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OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1950

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JOURNAL

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HOUSE OF REPRESENTATIVES

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COMMONWEALTH OF KENTUCKY

Regular Session, 1950

WEDNESDAY, MARCH 15, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend Paul Stauffer, pastor of the Christian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Mrs. M. E. Burnett	George F. Harris
Bill Adams	Charles W. Burnley	Paul E. Hayes
Edgar Arnett	Alex Calvert	John A. Head
Sidney Baer	Stanley Carter	Harold G. Helm
Clarence J. Barnum	Paul Combs	William K. Henry
C. E. Baumgardner	R. Josh Cosby	E. R. Hilton
Leonard T. Bean	B. H. Crider	Ray Holbrook
John D. Beatty	Owen Deering	Woodrow W. Hollan
Fred Beshear	G. I. Drury	Chester J. Holsclaw
R. O. Blevins	Thomas R. Duncan	W. M. Horn
L. E. Bradley	R. C. Estepp, Sr.	Richard R. Houpt
Edward O. Bridgers	Mitchell S. Fannin	Durham W. Howard
Thomas L. Britton	Henry C. Hale	Maurice G. Howard
Charles J. Bronston	C. A. Hammons	Robert N. Hubbard
J. D. Buckman, Jr.	James P. Hanratty	Silas Jacobs

Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard K. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Talbert
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
Geo. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker.

Mr. Hanratty moved that the reading of the Journal of the proceedings of Tuesday, March 14, 1950, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Hanratty moved that the rules be suspended and the House do now proceed to the Orders of the Day.

Said motion was agreed to by a majority of the members elected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 70. A JOINT RESOLUTION authorizing and directing the placing of a plaque on the desk occupied by Mrs. J. Lee Moore, the first woman member in the Senate of the Commonwealth of Kentucky, and making an appropriation.

Said resolution is as follows, viz:

WHEREAS, Mrs. J. Lee Moore is the first woman to serve in the Senate of the Commonwealth of Kentucky; and

WHEREAS, by her distinguished service, Mrs. Moore has reflected great credit upon her sex, the General Assembly, and the Commonwealth of Kentucky; and

WHEREAS, it is only fitting that recognition and tribute be accorded her;

NOW THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the State Property and Buildings Commission be directed to secure a small bronze plaque in recognition of and as tribute to the service of Mrs. Moore and place it at the desk at which she serves.

Sec. 2. That a sum sufficient to carry out the purposes set forth herein is appropriated from the General Expenditure Fund of the State Treasury.

Mr. Steers moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Fred H. Morgan
Edgar Arnett	John A. Head	C. S. Nabb
Sidney Baer	Harold G. Helm	Dr. C. E. Palmore
Clarence J. Barnum	William K. Henry	James H. Polsgrove
C. E. Baumgardner	E. R. Hilton	Leonard W. Perston
Leonard T. Bean	Ray Holbrook	Hobart Rayburn
Fred Beshear	W. W. Hollan	Carl J. Ruh
L. E. Bradley	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Thomas L. Britton	Robert N. Hubbard	LeRoy Saylor
Charles J. Bronston	Silas Jacobs	Roy Searcy
J. D. Buckman, Jr.	Paul S. Jonas	Paul E. Shannon
Mrs. M. E. Burnett	Barkley Jones	Gus Sheehan, Jr.
Charles W. Burnley	William Jones	Roy Steers
Alex Calvert	Jesse H. Lawrence	W. R. Stringer
Stanley Carter	Mrs. J. T. Linton	Egbert V. Taylor
R. Josh Cosby	Homer E. Losey	Rev. T. H. Tinsley
B. H. Crider	A. L. (Chick) Love	Ralph N. Walter
Owen Deering	True Mackey	Fred M. Warns
Thomas R. Duncan	Jack McPherron	Harry Lee Waterfield
R. C. Estepp, Sr.	Alton Mitchell	Morris Weintraub
Mitchell S. Fannin	Emmett G. Moore	Geo. F. Williamson
C. A. Hammons	Walter R. Moorman	Charles W. Wirsch
George F. Harris		—70

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the rules be suspended for the purposes of offering resolutions.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Rayburn offered the following resolution, viz:

H. Res. No. 79. A CONCURRENT RESOLUTION expressing appreciation to the Department of Mining and Metallurgical Engineering of the College of Engineering of the University of Kentucky.

WHEREAS, in a letter addressed to the Honorable Hobart Rayburn, member of the House of Representatives from the 71st District, under date of March 10, 1950, Mr. C. S. Crouse, Head of the Department of Mining and Metallurgical Engineering of the College of Engineering, of the University of Kentucky, has offered to prepare, for the members of the General Assembly, bookends made from Kentucky iron ore; and

WHEREAS, through this illustration of one of the many practical utilizations that can be made of one of Kentucky's natural resources, the members of the General Assembly will be enabled to publicize iron ore as a valuable natural resource of Kentucky suitable for industrial and commercial uses;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the members of the General Assembly do extend to the Department of Mining and Metallurgical Engineering of the College of Engineering of the University of Kentucky, their sincere appreciation of the vital interest of this department in the development of the mineral resources of Kentucky, represented by the offer of the Department to furnish to each member of the General Assembly bookends, made from Kentucky iron ore, which each member of the General Assembly may proudly exhibit as an indication of the potential value of the natural resources of Kentucky.

Said resolution was adopted.

Mr. Lowman offered the following resolution, viz:

H. Res. No. 80. A CONCURRENT RESOLUTION requesting the Legislative Research Commission to make an investigation and report concerning revolving, trust and agency fund accounts.

WHEREAS, the establishment and use of revolving, trust and agency fund accounts have been subjected to criticism and in some instances and under some circumstances proper budgetary controls cannot be applied to such accounts and the amount of money involved in such accounts is not readily ascertainable;

NOW, THEREFORE

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Legislative Research Commission is requested to make an investigation of the uses, purposes, receipts and disbursements of the various revolving, trust and agency fund accounts established for State agencies, and to submit to the 1952 General Assembly a report thereon with recommendations as to the desirability and practicability of abolishing and discontinuing all revolving, trust and agency fund accounts and providing in the 1952 Appropriation Bill for the payment into the General Expenditure Fund of all fees and revenues other than those required by law to be paid into the State Road Fund; and for the financing of all State activities by direct appropriation.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 472. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1950.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, for the fiscal year ending June 30, 1950, to the following named departments, agencies, institutions and commissions of the State Government, for the purpose of compensating the persons herein named for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which said claims were chargeable, the sums hereinafter specified:

1. To the Adjutant General, to pay the claim of:
   Robert W. McMeekin, Lexington, Kentucky__$ 3,949.07
2. To the Alcoholic Beverage Control Board, to pay the claims of:
   George G. Fetter Company, Louisville, Kentucky ---------- 88.85
   George G. Fetter Company, Louisville, Kentucky ---------- 86.20
3. To the Department of Education:
   A. Kentucky State College, to pay the claim of:
   Peden Motor Company, Frankfort, Kentucky 434.09
   B. Lincoln Institute, to pay the claims of:
   The H. W. Wilson Company, New York, N. Y. 4.80
   Steele-Wedeles Company, Chicago, Illinois___ 121.00
   The Miami Margarine Company, Cincinnati, Ohio ---------- 39.36
   School Service Bureau, Stillwater, Oklahoma__ 130.75
4. To the Department of Finance, to pay the claims of:
   Office Equipment Company, Louisville, Kentucky ---------- 146.00
   First National Bank of Adairville, Adairville, Kentucky ---------- 15.00
   George E. DeLong, Lexington, Kentucky____ 27.00

Graybar Electric Company, Louisville, Kentucky	892.00
American-Marsh Pumps, Inc., Battle Creek, Michigan	62.27
Graft-Pelle Company, Louisville, Kentucky	22.22
5. To the Division of Forestry, to pay the claims of:	
General Services Administration, Cincinnati, Ohio	61.89
6. To the Department of Insurance, to pay the claims of:	
Graybar Electric Company, Inc., Louisville Kentucky	186.50
Will Corporation, Rochester, New York	325.35
The Harshaw Scientific Division, Cincinnati, Ohio	42.50
Perry Publishing Company, Frankfort, Kentucky	1,835.43
Remington Rand Inc., Louisville, Kentucky	8,161.26
7. To the Department of Mines and Minerals, to pay the claim of:	
E. H. Sargent and Company, Chicago, Illinois	672.00
8. To State Parks, to pay the claims of: Brown Electric Shop, London, Kentucky	163.70
Askew Lumber Company, Dawson Springs, Kentucky	1,678.30
9. To the Department of Revenue, to pay the claim of:	
The Kentucky Post, Covington, Kentucky	70.56
10. To the State Soil Conservation Commission, to pay the claim of:	
Leigh Harris, Henderson, Kentucky	25.50
11. To the State Treasurer, to pay the claims of: The Todd Company, Rochester, New York	1,855.00

The Mosler Lock Company, Covington, Kentucky	65.00
Squire Reed, Hensley, Kentucky	25.00
12. To the Department of Welfare, to pay the claims of:	
The Kelley Koett Manufacturing Company, Covington, Kentucky	9.64
McMaster-Carr Supply Company, Chicago, Illinois	90.42
Singer Sewing Machine Company, Cincinnati, Ohio	320.55
Tafel Electric and Supply Company, Louisville, Kentucky	471.68
Standard Oil Company, Louisville, Kentucky	638.93
John W. Boardman, Paris, Kentucky	18.10
Jefferson Island Salt Company, Louisville, Kentucky	25.00
W. T. Sistrunk and Company, Lexington, Kentucky	862.61
Cavanaugh and Furgerson, Dawson Springs, Kentucky	3,802.84
Eastman Kodak Stores, Inc., Cincinnati, Ohio	31.16
Citizens Telephone Company, Inc., Cincinnati, Ohio	10.50
Citizens Telephone Company, Inc., Cincinnati, Ohio	8.30
Bert Finzer, Louisville, Kentucky	93.75
W. T. Sistrunk and Company, Lexington, Kentucky	186.63
Neill-LaVielle Supply Company, Louisville, Kentucky	4.38
Acme Chemical Company, Milwaukee, Wisconsin	20.25
General Electric Supply Corporation, Louisville, Kentucky	1.63

General Electric Supply Corporation, Louisville, Kentucky	125.31
General Electric Supply Corporation, Louisville, Kentucky	23.50
General Electric Supply Corporation, Louisville, Kentucky	7.30
General Electric Supply Corporation, Louisville, Kentucky	32.37
Swift and Company, Evansville, Indiana	92.63
Neill-LaVielle Supply Company, Louisville, Kentucky	26.00
Red Star Yeast and Products Company, Milwaukee, Wisconsin	21.00
M. L. Myers, Stanford, Kentucky	29.95
Herbert Sims, Harrodsburg, Kentucky	16.20
Earl Jenkins, Cynthiana, Kentucky	28.70
Ted L. Gearbart, Catlettsburg, Kentucky	6.85
Kosmos Portland Cement Company, Louisville, Kentucky	717.40

Section 2. The persons above named, having in good faith furnished the services, supplies and materials indicated in Section 1 and the Commonwealth having received the benefits of same, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	C. A. Hammons	Walter R. Moorman
Edgar Arnett	James P. Hanratty	Fred H. Morgan
Clarence J. Barnum	George F. Harris	C. S. Nabb
C. E. Baumgardner	John A. Head	Dr. C. E. Palmore
Leonard T. Bean	Harold G. Helm	James H. Polsgrove
John D. Beatty	William K. Henry	Leonard W. Preston
Fred Beshear	E. R. Hilton	W. R. Reasor
L. E. Bradley	Ray Holbrook	Carl J. Ruh
Edward O. Bridgers	Woodrow W. Hollan	Amos Runyan
Thomas L. Britton	Chester J. Holsclaw	Dr. Roy Sanders
Charles J. Bronston	W. M. Horn	LeRoy Saylor
J. D. Buckman, Jr.	Robert N. Hubbard	Roy Searcy
Mrs. M. E. Burnett	Silas Jacobs	Paul E. Shannon
Charles W. Burnley	Paul S. Jonas	Gus Sheehan, Jr.
Stanley Carter	Barkley Jones	J. Claude Stacy
Paul Combs	William Jones	Roy Steers
R. Josh Cosby	Mrs. J. T. Linton	W. R. Stringer
B. H. Crider	Homer E. Losey	Egbert V. Taylor
Owen Deering	A. L. (Chick) Love	Ralph N. Walter
Thomas R. Duncan	True Mackey	Fred M. Warns
R. C. Estepp, Sr.	Jack McPherron	G. F. Williamson
Mitchell S. Fannin	Alton Mitchell	Charles W. Wirsch
Henry C. Hale	Emmett G. Moore	—68

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

S. B. No. 116. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway crossings; amending Section 277.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 277.170 of the Kentucky Revised Statutes is hereby amended to read as follows:

Whenever, in the opinion of the Railroad Commission, the public interest requires that a gate be erected or maintained, or a flagman stationed, or an electric warning signal installed at any highway crossing in the Commonwealth of Kentucky, the Commission shall give to the company owning or operating the railroad written notice that a gate or flagman or an electric danger signal is required at a particular highway crossing in Kentucky.

If a gate is required, the notice shall prescribe the time within which the gate shall be erected, and the character of gate required, and shall designate the hours during which a man shall be kept in charge of the gate.

If a flagman is required, the notice shall designate the hours during which he shall be kept at the crossing. The railroad company shall comply with the provisions of the notice.

The Railroad Commission may authorize the discontinuance of the gate, flagman, or the electric danger signal whenever in its judgment the public interest no longer requires such warning to the traveling public of the approach of trains at said particular public highway crossing on the railroad at that point.

S. B. No. 212. AN ACT requiring a certification that land has been listed for taxes before a deed to the same shall be recorded or accepted for recording, providing for the listing of such land, and obtention of such certificate, and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No county clerk shall record or accept for record any deed unless the same is accompanied by a certificate of the county tax commissioner certifying that the land described in the deed has been listed for taxes.

Sec. 2. Any county tax commissioner shall, upon being presented any deed intended for record, examine his tax assessment records to determine if the land described in such deed has been listed for taxes. If such land has been listed for taxes, the county tax commissioner shall so certify. If such land has not been listed for taxes, he shall list the same, and so certify.

Sec. 3. Any person guilty of violating this Act shall be fined not more than fifty dollars.

S. B. No. 242. AN ACT relating to jailers and repealing and re-enacting KRS 64.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.150 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

64.150 Jailers. (1) Jailers shall be paid out of the county

treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding	$2.00
Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons	.50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.25
Keeping and dieting prisoners in jail, in counties containing a first-class city when confined for an offense other than a felony or contempt of court, per day	1.75
Imprisoning and releasing a prisoner charged with a misdemeanor	.60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt	.60
Keeping and dieting a prisoner charged with a felony or contempt, per day	1.25
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons	.50
Each day's attendance upon the circuit court	2.00
Furnishing fuel, light and water to the circuit court, not exceeding, per day	2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

S. B. No. 259. AN ACT relating to the compensation of members of the boards of education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of five dollars and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the expense or per diem of any member exceed one hundred dollars per annum. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

(2) Members of independent boards of education may receive a per diem of six dollars for attendance at each regular meeting not in excess of one per month.

S. B. No. 263. AN ACT relating to war memorials, amending section 148.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fiscal courts of counties may make annual contributions, not exceeding one and one-half cents on each one hundred dollars of taxable property in the county to memorial commissions for the purposes of erecting a memorial, or of maintaining one

already erected, to the members of the Armed Forces who served in World Wars I and II.

S. B. No. 274. AN ACT relating to Statutory liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is hereby created, to be numbered 376.281, and to read as follows:

As used in KRS 376.270 and 376.280 "motor vehicle" shall include vehicles used or designed for navigation of or flight in the air, as well as those used or designed for operation on the public highways.

S. B. No. 279. AN ACT to repeal, amend and re-enact Section 64.010 of the Kentucky Revised Statutes relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.010 of the Kentucky Revised Statutes be repealed and re-enacted to read as follows:

Clerks generally. The Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts, as far as the same will apply, shall receive for the following services the following fees.

Issuing summons	$0.50
Each copy thereof	.25
Entering return thereon	.25
Issuing order of attachment	.50

Each copy thereof	.25
Entering return thereon	.25
Issuing order of injunction	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing subpoena	.50
(all of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)	
Issuing attachment for a witness	.50
Issuing order of arrest	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing order of delivery	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing each writ of possession	1.50
Docketing an action, motion or proceeding	.20
Order assigning cases to a Division of Court	.40
Warning Order by Clerk	.50
Order of Clerk appointing Warning Order Attorney	.50
Issuing a Rule	.50
Each copy thereof	.25
Filing return on Rule	.25
Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the Rule Docket	.20
Filing a pleading	.25
Filing each exhibit or other paper not a pleading	.25
Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness	.40
Each commission to take deposition	1.00
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one	.25
Taking a recognizance of a party or witness	.40

Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each	.40
Copy thereof	.30
Attendance in court upon each trial of an action, to be charged to each party for each trial	1.00
Swearing a jury	.50
Entering a judgment (other than equity action)	.75
Each copy thereof	.50
Entering or recording a judgment in an equity action, for every ten words	.02
Taxation of costs of each party, to be charged to such party	.50
Each copy of a taxation of costs of each party, if called for	.30
Filing copy of costs taxed in the case file	.25
Issuing an execution, with all endorsements thereon	1.00
Each copy of an execution with all endorsements thereon	.75
Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words	.02
Copying a record for Court of Appeals or other purpose, each ten words	.02
Issuing a supersedeas	.50
Each copy thereof	.25
Entering return thereon	.25
Filing each transcript on appeal	.25
Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same	.50
Copying a pleading or other paper, each ten words	.02

Indexing in Plaintiff's and Defendant's General Index to Suits, each name of parties to an action, to be charged for each listing and once in each case	.20
Indexing in Defendant's Index of Executions of each name of parties to such execution, to be charged for each listing and for each execution issued	.20
Indexing in Plaintiff's and Defendant's Index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment	.20
Each order made by the Clerk in Vacation or made by the Clerk when the court is not in vacation	.50
Each order in the county court	.40
Each copy thereof when ordered	.30
Probate of a will and certificate, including all services relating thereto	1.00
Order granting an administration, or appointing appraisers of estate or any fiduciary	.50
Taking a bond for any fiduciary	1.00
Certificate of administration or copy of it	.50
Issuing a writ of idiocy or lunacy	.75
Recording each inquisition under same	.75
Each copy of such inquisition when ordered	.75
Recording deed of trust or assignment for the benefit of creditors	2.00
Copy of same when ordered	1.00
Taking bonds required of the trustee or trustees in such cases, and including all services connected with it	2.00
Recording inventories required to be filed by the trustees, for every twenty words	.04
Each official certificate	1.00
Each bond required to be taken or prepared by the clerk	1.00
Taking a bond where no fee is fixed specially by law	1.00

Copy of any bond when ordered	1.00
Recording a bond, each bond	1.00
Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same	.75
Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof	.04
Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words	.02
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed twelve hundred words	2.00
All over twelve hundred words, every twenty words	.04
Each additional certificate	.25
Each additional tract embraced in such deed, except town lots	.25
Copy of deed and certificate thereon	2.00
Recording the conveyance of personal or chattel property, taking the acknowledgement or proof thereof, and recording the orders and certificates, including the whole services	1.50
Each copy thereof	1.00
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words	2.00
All over twelve hundred words, for every twenty words	.04

Copy of same ---------- 2.00
Recording mortgage of personalty ---------- 1.50
Copy of same ---------- 1.00
Recording, entering or noting release of any lien, mortgage or redemption other than a deed of release ---------- .25
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien ---------- 1.00
Copying courses and distance of any deed, for each tract when demanded ---------- .25
Recording plat laid down in the allotment of dower or division of land, for each tract thereof .25
Recording or copying a plat or map of land, each lot ---------- .25
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident ---------- 5.00
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city ---------- 5.00
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not---------- .40
Each order appointing a surveyor of road ------ .40
Each copy thereof ---------- .40
(The last two named to be paid out of the county levy.)
Each order in proceedings for private passways, to be paid by applicant ---------- .40
Each copy of same, to be paid by applicant when ordered ---------- .30
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy ---------- 2.00

Copying a surveyor's report, for every twenty words or fraction thereof	.04
Administering an oath and certificate thereof	.50
Issuing license for which no other fee is fixed by law	1.00
Marriage license, bond, certificate and recording	2.50
Each order and certificate allowing any claim against the county treasurer or State Treasurer, where the claim exceeds five dollars, to be paid by the claimant	.50
Recording post notice of an estray, waif-boat or wreck, and advertising same	.75

S. B. No. 284. AN ACT relating to compressed or liquefied gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context requires otherwise:

(1) The term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous state: propane, propylene, butane (normal butane or isobutane), and butylene.

(2) The term "gas," or "compressed or liquefied gas" means and includes any flammable compressed or liquefied gas, other than acetylene, including liquefied petroleum gases as defined in subsection (1) of this section.

(3) The term "approved containers" means and includes all vessels used for the transportation or storing of compressed or liquefied petroleum gases, which vessels have been:

(a) Tested and listed by Underwriters' Laboratories, Inc., or,

(b) Tested and listed by a nationally recognized testing laboratory, or,

(c) Inspected and approved by the enforcing authority having jurisdiction.

(4) The term "systems" means an assembly of equipment consisting essentially of the container or containers, major devices and appurtenances such as vaporizers, carburetors, relief valves, excess flow valves, and regulators, together with necessary interconnecting piping, but not including gas-consuming appliances and their connections.

Sec. 2. No person (a) shall transport, in any manner, any compressed or liquefied gases in other than approved containers, nor (b) engage in the business of installing or servicing, or (c) actually install or service, liquefied petroleum gas systems without first obtaining a permit therefor. A separate permit must be obtained in order to engage in either of the practices set out in this section.

Sec. 3. (1) The permit provided for in Section 2 of this Act shall be obtained from the Commissioner of Insurance upon the filing of an application therefor. Each permit shall be valid only for the calendar year in which it is issued. For the issuance of the permit provided for herein there shall be paid to the Commissioner of Insurance a fee of twenty-five dollars.

(2) All fees collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department of Insurance solely for the administration and enforcement of this Act.

Sec. 4. The Commissioner of Insurance, after a public hearing thereon, shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases, and specifying the odorization of said gases and the degree thereof. Said regulations

shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Sec. 5. It is hereby declared that regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Sec. 6. After having been given notice to cease and desist and ten days time in which to correct the violation, any person who continues to violate any of the provisions of this Act, or any of the rules and regulations promulgated hereunder, shall be fined not less than one hundred dollars nor more than five hundred dollars.

S. Res. No. 63. A JOINT RESOLUTION to place upon the record the serious concern felt by the General Assembly regarding the shortage of physicians in the rural areas of the Commonwealth, and directing the Board of Trustees of the University of Kentucky to make a study of possible steps to alleviate the same and to report its findings and recommendations to the next regular session of the General Assembly.

Said resolution is as follows, viz:

WHEREAS, the existing shortage of practicing physicians in many rural areas of the Commonwealth has resulted in depriving large numbers of citizens of proper medical attention on a reasonably available basis; and

WHEREAS, the General Assembly finds that such shortage already jeopardizes the health and welfare of the people in numerous areas of the Commonwealth, and threatens to become yet more serious; and

WHEREAS, the alleviation of such situation presently appears to depend in some measure upon the assumption by the Commonwealth of the responsibility of providing facilities for the education and training of an adequate number of Kentuckians for the profession of medicine; and

WHEREAS, the University of Kentucky is the appropriate agency of the Commonwealth to carry out any such program of professional education and training;

NOW THEREFORE:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1: It shall be made a matter of record that the General Assembly of the Commonwealth of Kentucky, the Senate and House concurring, looks with deep concern upon the existing shortage of practicing physicians in many rural areas of the Commonwealth and finds that such shortage if continued unalleviated will seriously jeopardize the health and welfare of large segments of the citizenry of Kentucky.

Section 2: The Board of Trustees of the University of Kentucky is hereby authorized and directed to make a careful and impartial study of possible steps to alleviate the situation mentioned in Section 1 hereof, including particularly the possibility of providing facilities for the education and training of additional Kentuckians for the profession of medicine, and to report its findings and recommendations to the next regular session of the General Assembly, including in such report an estimate of the expenditures necessary for the Commonwealth to establish or acquire and maintain as a part of the University of Kentucky a College of Medicine with accreditable standards and facilities.

S. Res. No. 64. A JOINT RESOLUTION authorizing the payment of claim against the Commonwealth.

Said resolution is as follows, viz:

PREAMBLE.

It appearing that the Commonwealth of Kentucky was indebted to various tax commissioners for an illegal deduction of

three hundred dollars ($300.00) per year from the tax commissioner's salary, and

It further appearing that all of such tax commissioners have been refunded this money, with the exception of W. Henry Grimes, Tax Commissioner of Warren County, and

It further appearing that he rendered such services as tax commisisoner of Warren County and was entitled to receive the same amount of money as refunded to all of the other tax commissioners,

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

That his claim for twelve hundred dollars ($1200.00) with interest from January 1, 1944, at the rate of six percent. (6%) per annum, be and is hereby authorized to be paid.

It further appearing that said claim is a just claim against the Commonwealth the Commissioner of Finance is hereby authorized and directed to issue his warrant to the Treasurer of the Commonwealth of Kentucky to pay W. Henry Grimes $1200.00 with 6% interest from January 1, 1944.

Ordered that said bills and resolutions be printed and referred to the Committee on Rules.

The message which was received from the Senate also announced that they had adopted a resolution which originated in the Senate as follows, viz:

S. Res. No. 68. A CONCURRENT RESOLUTION providing for sine die adjournment of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and House of Representatives adjourn on March 17, 1950, they do adjourn sine die.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 434. AN ACT relating to motor trucks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 189.180, 189.220, 189.225, 189.235, 189.240, and 189.250 of the 1948 Edition of the Kentucky Revised Statutes, are hereby repealed, and new sections are hereby created, to be numbered and read as follows:

Section 1. Unless the context clearly requires otherwise, the words and phrases used in this Act shall have the same meaning ascribed to them in KRS 189.010.

Section 2. KRS 189.221. No person shall operate on any highway, except such highways as may be designated by the Commissioner of Highways under the provisions of this Act, any of the following vehicles:

(1) Any motor truck or semi-trailer truck which exceeds 11½ feet in height or 96 inches in width, including any part of the body or load;

(2) Any motor truck, except a semi-trailer truck, which exceeds 26½ feet in length, including any part of the body or load;

(3) Any semi-trailer truck which exceeds 30 feet in length, including any part of the body or load:

(4) Any truck or semi-trailer truck which exceeds 18,000 pounds gross weight, including load, or 600 pounds per inch of the combined width of the tires upon which such vehicle may be propelled.

Section 3. KRS 189.222. The Commissioner of Highways, in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in the preceding section, if in the opinion of said Commissioner, the increased height, length and weight designated by him is justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases; and said Commissioner is authorized to establish reasonable classifications of such roads and to fix a different maximum for each classification. However, in no event shall any motor truck or semi-trailer truck, including any part of the body or load, exceed the following dimensions and weights:

(1) Height, 12½ feet,

(2) Length, semi-trailers, 45 feet; motor trucks, 35 feet,

(3) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle,

(4) 600 pounds per inch of aggregate width of all tires;

(5) Gross weight, 42,000 pounds.

Section 4. KRS 189.223. Any peace officer having reason to believe that the height, length, width, or weight of any motor truck, semi-trailer truck, or trailer, is in excess of the maximum limits prescribed by this Act or permitted by any special permit issued under KRS 189.270 and in the possession of the operator, may measure it or weigh it either by portable or stationary scales, and may require it to be driven to the nearest scales, if such scales are within a distance of five miles from the point at which the vehicle is first directed to stop. If the officer shall determine that the operation of the motor truck, semi-trailer, or trailer, was unlawful, he shall require the operator of said motor truck, semi-trailer truck, or trailer to unload such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum gross weight permitted under the terms of this Act or of KRS 189.270, or he may, at the election of the operator, permit the operator to move the vehicle

with its load to the nearest city or nearest court having jurisdiction, at which place the excess load shall be unloaded. The excess load shall be unloaded at the sole risk of the owner. The refusal of the operator to permit his motor truck, semi-trailer truck, or trailer to be measured or weighed, or to proceed to a scales, or to unload the excess load, shall constitute a violation of this Act.

Section 5. KRS 189.234. It is unlawful for the owner, or any other person, employing or otherwise directing the operator of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Section 6. KRS 189.226. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared by KRS 189.221 through KRS 189.228 to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, assists, or directs another to violate any provision of this Act is likewise guilty of such offense.

Section 7. KRS 189.227. The Department of Highways may take such actions, and prescribe and promulgate such rules and regulations, as are necessary and proper to carry out the purposes of this Act, including, but not limited to, the erection, establishment, and maintenance of permanent or portable scales. Said Department is also authorized to employ weighmasters and such other employes as may be necessary to operate any scales erected or established, and said weighmasters shall have the authority of peace officers for the purpose of enforcing this Act, and other statutes relating to motor vehicles, and for no other purpose. No previous period of residence within the county where he is to serve shall be required of any peace officer appointed under this section.

Section 8. KRS 189.228. For the purposes of this Act, proof of the registration of any vehicle in the name of any per-

son, shall be prima facie evidence of ownership of said vehicle by the person in whose name it is registered, and each violation by an owner, whether or not with the same vehicle, shall constitute a separate offense by that owner.

Section 9. KRS 189.990, Subsection 2, is amended to read as follows: Penalties.

Any person who violates the weight provisions of KRS 189.221 or KRS 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to two cents per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.00.

Any person who violates any provision of the Kentucky Revised Statutes, Sections 189.050, Subsections 3 and 4, 189.090, Subsection 4, 189.221 to 189.230, 189.270, 189.280, 189.390, Subsection 3, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.00.

Nothing herein shall be deemed to prejudice or affect the authority of the Division of Motor Transportation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of this or any other Act applicable to motor vehicles, as provided by law.

Mr. Reasor moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	Emmett G. Moore
Bill Adams	Paul E. Hayes	Walter R. Moorman
Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	William K. Henry	C. S. Nabb
John D. Beatty	Ray Holbrook	Dr. C. E. Palmore
Fred Beshear	Woodrow W. Hollan	Hobart Rayburn
L. E. Bradley	W. M. Horn	W. R. Reasor
Charles J. Bronston	Robert N. Hubbard	Carl J. Ruh
Mrs. M. E. Burnett	Silas Jacobs	Roy Searcy
Alex Calvert	Paul S. Jonas	Paul E. Shannon
Stanley Carter	Barkley Jones	Gus Sheehan, Jr.
R. Josh Cosby	Jesse H. Lawrence	J. Claude Stacy
B. H. Crider	Mrs. J. T. Linton	Roy Steers
Owen Deering	Homer E. Losey	W. R. Stringer
Thomas R. Duncan	A. L. (Chick) Love	Egbert V. Taylor
R. C. Estepp, Sr.	True Mackey	Ralph N. Walter
Mitchell S. Fannin	Jack McPherron	Fred M. Warns
C. A. Hammons	Alton Mitchell	Charles W. Wirsch
James P. Hanratty		

—55

Those who voted in the negative were—

Leonard W. Preston	Amos Runyan	Dr. Roy Sanders

—3

Resolved that the title thereof be as aforesaid.

Mr. Reasor moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 480. AN ACT relating to the acquisition of property by bill of sale or by deed by the Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where title to any property is conveyed to the Commonwealth of Kentucky by bill of sale or by deed the purchase price shall be set out in full on the face of the bill of sale or deed.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Dr. C. E. Palmore
Bill Adams	John A. Head	Leonard W. Preston
Edgar Arnett	Harold G. Helm	Hobart Rayburn
Sidney Baer	William K. Henry	W. R. Reasor
Clarence J. Barnum	E. R. Hilton	Carl J. Ruh
C. E. Baumgardner	Ray Holbrook	Amos Runyan
John D. Beatty	Woodrow W. Hollan	Dr. Roy Sanders
Fred Beshear	W. M. Horn	LeRoy Saylor
L. E. Bradley	Richard R. Houpt	Roy Searcy
Charles J. Bronston	Robert N. Hubbard	Paul E. Shannon
J. D. Buckman, Jr.	Silas Jacobs	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Barkley Jones	Jesse H. Shelton
Charles W. Burnley	William Jones	J. Claude Stacy
Paul Combs	James W. Lambert	Roy Steers
R. Josh Cosby	Jesse H. Lawrence	W. R. Stringer
B. H. Crider	Mrs. J. T. Linton	Egbert V. Taylor
Owen Deering	Homer E. Losey	Rev. T. H. Tinsley
G. I. Drury	A. L. (Chick) Love	Ralph N. Walter
Mitchell S. Fannin	True Mackey	Fred M. Warns
C. A. Hammons	Jack McPherron	Harry Lee Waterfield
James P. Hanratty	Emmett G. Moore	Morris Weintraub
George F. Harris	C. S. Nabb	Charles W. Wirsch

—66

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 481. AN ACT relating to aviation, amending Section 183.772 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 183.772 of the Kentucky Revised Statutes is amended to read as follows:

There is hereby created in the State Treasury a special fund to be known as the "Kentucky Airport Development Fund." All moneys deposited or paid into this fund, including repayment of any loans made therefrom, are appropriated and shall be available to the department for the purposes of KRS 183.761 to 183.771. All moneys in such fund shall be expended solely for the development of airports in the state airport plan. No portion of this fund may be used for administrative purposes or for the purchase of aircraft in any year in which there has been an appropriation to the Department of Aeronautics for its general purposes. The fund shall consist of all money appropriated by the state and all money received from the United States or from any other source for the purpose of airport development. All moneys in the Kentucky Airport Development Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that any balance in this fund shall not lapse at any time but shall be continuously available to the department for the purposes of carrying out the provisions of KRS 183.761 to 183.771. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this fund.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	C. A. Hammons	Fred H. Morgan
Bill Adams	James P. Hanratty	C. S. Nabb
Edgar Arnett	Paul E. Hayes	Dr. C. E. Palmore
Sidney Baer	John A. Head	James H. Polsgrove
Clarence J. Barnum	William K. Henry	Leonard W. Preston
C. E. Baumgardner	Ray Holbrook	W. R. Reasor
John D. Beatty	Woodrow W. Hollan	Carl J. Ruh
Fred Beshear	Richard R. Houpt	Amos Runyon
L. E. Bradley	Robert N. Hubbard	LeRoy Saylor
Charles J. Bronston	Silas Jacobs	Roy Searcy
J. D. Buckman, Jr.	Paul S. Jonas	Paul E. Shannon
Mrs. M. E. Burnett	Barkley Jones	Gus Sheehan, Jr.
Charles W. Burnley	Jesse H. Lawrence	Jesse H. Shelton
Stanley Carter	Mrs. J. T. Linton	Mrs. Thelma Stovall
Paul Combs	Homer E. Losey	W. R. Stringer
R. Josh Cosby	A. L. (Chick) Love	Egbert V. Taylor
B. H. Crider	True Mackey	Fred M. Warns
G. I. Drury	Jack McPherron	Harry Lee Waterfield
R. C. Estepp, Sr.	Emmett G. Moore	Morris Weintraub
Mitchell S. Fannin	Walter R. Moorman	Charles W. Wirsch
Henry C. Hale		

—61

There voted in the negative—

Harold G. Helm —1

Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 351. AN ACT relating to per diem and expenses allowed members of county boards of education, amending Section 160.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of seven dollars and fifty cents and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the per diem exceed one hundred-fifty dollars per annum. All claims shall be made out according to law, filed with the secretary of the board, and shall be approved and paid as other claims against the board.

Mr. Hollan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	C. S. Nabb
Bill Adams	John A. Head	Dr. C. E. Palmore
Edgar Arnett	Harold G. Helm	James H. Polsgrove
Sidney Baer	William K. Henry	Leonard W. Preston
Clarence J. Barnum	Ray Holbrook	Hobart Rayburn
C. E. Baumgardner	Woodrow W. Hollan	W. R. Reasor
John D. Beatty	Chester J. Holsclaw	Carl J. Ruh
Fred Beshear	W. M. Horn	Amos Runyan
L. E. Bradley	Richard R. Houpt	Dr. Roy Sanders
Edward O. Bridgers	Durham W. Howard	LeRoy Saylor
Thomas L. Britton	Robert N. Hubbard	Roy Searcy
Charles J. Bronston	Silas Jacobs	Paul E. Shannon
Mrs. M. E. Burnett	Paul S. Jonas	Gus Sheehan, Jr.
Charles W. Burnley	Barkley Jones	John M. Spaulding
Alex Calvert	William Jones	Roy Steers
Paul Combs	Jesse H. Lawrence	Mrs. Thelma Stovall
R. Josh Cosby	Mrs. J. T. Linton	W. R. Stringer
B. H. Crider	Homer E. Losey	Egbert V. Taylor
Owen Deering	A. L. (Chick) Love	Rev. T. H. Tinsley
G. I. Drury	Harry K. Lowman	Ralph N. Walter
Thomas R. Duncan	True Mackey	Fred M. Warns
R. C. Estepp, Sr.	Jack McPherron	Harry Lee Waterfield
Henry C. Hale	Alton Mitchell	Lyle H. Webb
C. A. Hammons	Walter R. Moorman	G. F. Williamson
James P. Hanratty	Fred H. Morgan	Charles W. Wirsch
George F. Harris	[illegible]	—76

Resolved that the title thereof be as aforesaid.

Mr. Hollan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 201. AN ACT to constitute depository libraries and to provide that said libraries shall be supplied with copies

of all reports, publications, and other public books and documents reproduced and distributed at public expense by the department, boards, commissions, officers or other agencies of the Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be a public duty to collect, preserve, and make accessible to historians, teachers, students and others interested in public records, all those printed and mimeographed materials, as well as those materials reproduced in multiple copies by other processes, which are issued by any department, board, commission, officer or other agency of the Commonwealth for general public distribution at public expense after June 30, 1950, including, without limitation of the generality of the foregoing, bulletins, publications and other public books and documents reproduced and distributed at public expense, but not including the Kentucky Revised Statute editions.

Section 2. Inasmuch as the performance of said duty requires the establishment of a depository or depositories for the proper acquisition, administration and distribution of such materials, the State Department of Library and Archives is hereby constituted the central depository for public books and documents. College, university, and public libraries, located within Kentucky shall be constituted depository libraries by said central depository upon written request to the State Librarian.

Section 3. It shall be the duty of all departments, boards, commissions, officers and other agencies of the Commonwealth to supply promptly to said central depository seventy-five copies of each of their reports, bulletins, publications, and other public books and documents of the type mentioned in Section 1 of this Act. Two copies of each document shall be supplied by the central depository to Eastern Kentucky State College, Western Kentucky State College, Morehead State College, Murray State College, and the Kentucky State College for Negroes upon writ-

ten request by the librarians of each institution. Thirty copies shall be supplied to the University of Kentucky Library to exchange with out-of-state libraries and state agencies in order to maintain and increase its comprehensive collection of State documents. Such duty shall be exclusive of and in addition to any duties imposed by other provisions of law as to furnishing or delivering any such materials. It shall be the duty of the central depository promptly to supply each depository library one copy of all such material received and to replace any loss or miscarriage in the transportation of such material to the extent extra copies shall be available for such purpose. Such duty shall be exclusive of and in addition to the duty of any other agency to distribute certain books or documents under other provisions of law; provided, that the central depository need not make distribution, to a particular depository library, of such material as the latter shall be entitled to receive under other provisions of law.

Section 4. For the guidance of librarians of the depository libraries which shall be designated pursuant to this Act, it shall be the duty of the State Librarian to issue semi-annually, to each depository library located within Kentucky, two copies of a list of all materials of the kind mentioned in Section 1 of this Act. It shall be the duty of each department, board, commission, officer and other agency of the Commonwealth to furnish to the State Librarian semi-annually on January 1 and June 30 of each year a list of all of its materials of the kind mentioned in Section 1 of this Act.

Section 5. Wherever, under other provisions of law, a limitation may be imposed upon the number of copies of particular public books or documents to be printed or otherwise reproduced, such limitation shall be removed to the extent necessary to enable compliance with this Act.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Harold G. Helm	Dr. C. E. Palmore
Bill Adams	William K. Henry	James H. Polsgrove
Edgar Arnett	Ray Holbrook	Leonard W. Preston
Sidney Baer	Woodrow W. Hollan	Hobart Rayburn
Clarence J. Barnum	Chester J. Holsclaw	W. R. Reasor
C. E. Baumgardner	W. M. Horn	Carl J. Ruh
Fred Beshear	Durham W. Howard	Amos Runyan
L. E. Bradley	Robert N. Hubbard	Dr. Roy Sanders
Charles J. Bronston	Silas Jacobs	Roy Searcy
J. D. Buckman, Jr.	Paul S. Jonas	Paul E. Shannon
Mrs. M. E. Burnett	Barkley Jones	Gus Sheehan, Jr.
R. Josh Cosby	Jesse H. Lawrence	Roy Steers
B. H. Crider	Mrs. J. T. Linton	Mrs. Thelma Stovall
G. I. Drury	Homer E. Losey	W. R. Stringer
Thomas R. Duncan	A. L. (Chick) Love	Egbert V. Taylor
R. C. Estepp, Sr.	Harry K. Lowman	Ralph N. Walter
Henry C. Hale	True Mackey	Fred M. Warns
James P. Hanratty	Jack McPherron	Harry Lee Waterfield
George F. Harris	Walter R. Moorman	Lyle H. Webb
Paul E. Hayes	Fred H. Morgan	G. F. Williamson
John A. Head	C. S. Nabb	Charles W. Wirsch

—63

Those who voted in the negative were—

John D. Beatty	Thomas L. Britton	C. A. Hammons

—3

Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 477. AN ACT relating to the compensation of circuit court reporters, amending Section 28.460 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of reporters of circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be ten dollars per day for taking shorthand notes and twenty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fee shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for use of the Commonwealth's Attorney. If the transcript is ordered upon motion of the defendant, he shall pay for it, if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fee shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(2) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

(3) In circuit courts other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, the circuit judge may elect to pay the reporter out of the county treasury a salary of not exceeding two thousand dollars per year. Each county in the circuit shall pay a prorata share of the salary computed on the basis of the number of days the court sits in each county. The annual salary shall be in lieu of all fees earned by the reporter, which fees shall be paid into the treasury of the county in which the court is sitting when the fees are earned.

Mr. Waterfield moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	John A. Head	Walter R. Moorman
Edgar Arnett	Harold G. Helm	C. S. Nabb
Sidney Baer	William K. Henry	James H. Polsgrove
Clarence J. Barnum	E. R. Hilton	Hobart Rayburn
John D. Beatty	Woodrow W. Hollan	Carl J. Ruh
Fred Beshear	Chester J. Holsclaw	Amos Runyon
L. E. Bradley	W. M. Horn	Dr. Roy Sanders
Thomas L. Britton	Robert N. Hubbard	LeRoy Saylor
J. D. Buckman, Jr.	Silas Jacobs	Roy Searcy
Mrs. M. E. Burnett	Paul S. Jonas	Gus Sheehan, Jr.
Charles W. Burnley	Barkley Jones	J. Claude Stacy
R. Josh Cosby	William Jones	W. R. Stringer
B. H. Crider	James W. Lambert	Ralph N. Walter
Owen Deering	Jesse H. Lawrence	Fred M. Warns
G. I. Drury	Mrs. J. T. Linton	Harry Lee Waterfield
R. C. Estepp, Sr.	Harry K. Lowman	Lyle H. Webb
Henry C. Hale	True Mackey	G. F. Williamson
James P. Hanratty	Damon Majors	Adron Doran,
George F. Harris	Jack McPherron	Speaker
Paul E. Hayes	Emmett G. Moore	—58

Those who voted in the negative were—

Paul Combs	Homer E. Losey	Paul E. Shannon
C. A. Hammons	Fred H. Morgan	Roy Steers
Ray Holbrook	Dr. C. E. Palmore	Morris Weintraub
Richard R. Houpt	Leonard W. Preston	Charles W. Wirsch

—12

Resolved that the title thereof be as aforesaid.

Mr. Waterfield moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 191. AN ACT amending Section 148.200 of the Kentucky Revised Statutes, relating to the Old State Capitol Park.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 148.200 of the Kentucky Revised Statutes is amended to read as follows:

The grounds of the Old State Capitol shall be maintained by the Division of Public Properties. The Division of Parks may give assistance to the Division of Public Properties by furnishing benches, tables or rest room facilities for the grounds of the Old State Capitol building.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Edward O. Bridgers	R. Josh Cosby
Bill Adams	Thomas L. Britton	B. H. Crider
Edgar Arnett	J. D. Buckman, Jr.	G. I. Drury
Sidney Baer	Mrs. M. E. Burnett	Thomas R. Duncan
Clarence J. Barnum	Charles W. Burnley	Henry C. Hale
Fred Beshear	Alex Calvert	C. A. Hammons
L. E. Bradley	Paul Combs	George F. Harris

Paul E. Hayes	Mrs. J. T. Linton	LeRoy Saylor
Harold G. Helm	Homer E. Losey	Paul E. Shannon
William K. Henry	A. L. (Chick) Love	Gus Sheehan, Jr.
E. R. Hilton	True Mackey	John M. Spaulding
Ray Holbrook	Jack McPherron	J. Claude Stacy
Woodrow W. Hollan	Emmett G. Moore	Mrs. Thelma Stovall
Chester J. Holsclaw	Walter R. Moorman	W. R. Stringer
W. M. Horn	C. S. Nabb	Egbert V. Taylor
Richard R. Houpt	Dr. C. E. Palmore	Rev. T. H. Tinsley
Durham W. Howard	James H. Polsgrove	Ralph N. Walter
Silas Jacobs	Leonard W. Preston	Fred M. Warns
Paul S. Jonas	Hobart Rayburn	Harry Lee Waterfield
Barkley Jones	W. R. Reasor	Lyle H. Webb
William Jones	Carl J. Ruh	Morris Weintraub
James W. Lambert	Amos Runyan	G. F. Williamson
Jesse H. Lawrence	Dr. Roy Sanders	—68

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 181. AN ACT relating to workmen's compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to com-

pensation, or, if none, then to the personal representative of the deceased employee, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300.00 and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $200.00, payment to be made to the personal representative of the deceased employee.

(2) If there are one or more wholly dependent persons 65 percent of the average weekly earnings of the deceased employee, but not to exceed $23.00 nor less than $7.00 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $8,500.00.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employee is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employee, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $8,500.00.

(b) Partial dependency shall be determined by the proportion of the earnings of the employee which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the Board shall consider all the facts and circum-

stances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employee.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section."

Section 2. That section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living or by whom actually supported at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the em-

ploye at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband or wife, father-in-law or mother-in-law, grandfather or grandmother, child, or grandchild, or brother or sister of the whole or half blood."

Section 3. That Section 342.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employee a weekly compensation equal to 65% of his average weekly earnings, not to exceed $24.00 nor less than $7.00 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury nor in any case to exceed a maximum sum of $10,000.00. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $10,000.00.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) A similar loss of one hand and one eye.

(f) A similar loss of one foot and one eye.

(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability."

Section 4. That section 342.100 of the Kentucky Revised Statutes is amended as follows:

In case of an injury resulting in temporary partial disability, the employee shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $21.00 per week nor the maximum sum of $8,600.00. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability."

Section 5. That section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $7.00 per week nor exceeding $21.00 per week for the periods stated thereon:"

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of anv finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe. 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 200 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 percent of the average weekly wages during weeks.

Section 6. That section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employee but not less than $7.00 nor more than $21.00, multiplied by the percentage of disability caused by the injured; for such period as the board determines, not exceeding 450 weeks nor a maximum sum of $8,600.00. Compensation payable under this section shall not be affected by the earnings of the employee after the accident, whether they be the

same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than $5.00 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section."

Section 7. A new section of the Kentucky Revised Statutes is created which shall read as follows:

The Kentucky Workmen's Compensation Act commonly known Chapter 342 of the Kentucky Revised Statutes shall be liberally construed on questions of law, as distinguished from evidence, and the rule of law requiring strict construction of statutes in derogation of the common law shall not apply to this Act.

Mr. Lowman offered the following amendment to said bill, viz:

Amend printed copy of S. B. No. 181 in the House on page 8, section 5, line 66, by adding between the words "during" and "weeks" the numeral "75"

Said amendment to said bill was agreed to.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	C. S. Nabb
Bill Adams	Harold G. Helm	James H. Polsgrove
Edgar Arnett	William K. Henry	Hobart Rayburn
Sidney Baer	E. R. Hilton	W. R. Reasor
Clarence J. Barnum	Ray Holbrook	Carl J. Ruh
C. E. Baumgardner	Woodrow W. Hollan	Amos Runyan
John D. Beatty	Chester J. Holsclaw	Dr. Roy Sanders
Fred Beshear	Richard R. Houpt	LeRoy Saylor
L. E. Bradley	Durham W. Howard	Roy Searcy
Edward O. Bridgers	Maurice G. Howard	Paul E. Shannon
Thomas L. Britton	Robert N. Hubbard	Gus Sheehan, Jr.
Charles J. Bronston	Silas Jacobs	John M. Spaulding
J. D. Buckman, Jr.	Paul S. Jonas	J. Claude Stacy
Mrs. M. E. Burnett	Barkley Jones	Roy Steers
Charles W. Burnley	James W. Lambert	Mrs. Thelma Stovall
Paul Combs	Jesse H. Lawrence	W. R. Stringer
R. Josh Cosby	Mrs. J. T. Linton	Egbert V. Taylor
B. H. Crider	Harry K. Lowman	Rev. T. H. Tinsley
R. C. Estepp, Sr.	True Mackey	Ralph N. Walter
Henry C. Hale	Jack McPherron	Fred M. Warns
C. A. Hammons	Emmett G. Moore	Harry Lee Waterfield
James P. Hanratty	Walter R. Moorman	Morris Weintraub
George F. Harris		

—67

Those who voted in the negative were—

G. I. Drury	A. L. (Chick) Love	Leonard W. Preston

—3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 180. AN ACT relating to the ad valorem tax for state purposes upon unmanufactured agricultural products.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual ad valorem tax for state purposes of five cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and twenty-five cents upon each one hundred dollars of value of unmanufactured agricultural products, and fifty cents upon each one hundred dollars of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320, and other sections providing a different tax rate for particular property.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	George F. Harris	James H. Polsgrove
Sidney Baer	Paul E. Hayes	Leonard W. Preston
Clarence J. Barnum	Harold G. Helm	Hobart Rayburn
C. E. Baumgardner	William K. Henry	W. R. Reasor
John D. Beatty	E. R. Hilton	Carl J. Ruh
Fred Beshear	Ray Holbrook	Amos Runyan
L. E. Bradley	Woodrow W. Hollan	Dr. Roy Sanders
Edward O. Bridgers	Chester J. Holsclaw	LeRoy Saylor
Charles J. Bronston	Richard R. Houpt	Roy Searcy
J. D. Buckman, Jr.	Durham W. Howard	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Maurice G. Howard	Jesse H. Shelton
Alex Calvert	Silas Jacobs	John M. Spaulding
Paul Combs	Paul S. Jonas	J. Claude Stacy
R. Josh Cosby	Barkley Jones	Roy Steers
B. H. Crider	William Jones	Mrs. Thelma Stovall
G. I. Drury	Jesse H. Lawrence	W. R. Stringer
Thomas R. Duncan	Mrs. J. T. Linton	Ralph N. Walter
R. C. Estepp, Sr.	Harry K. Lowman	Fred M. Warns
Mitchell S. Fannin	True Mackey	Harry Lee Waterfield
Henry C. Hale	Damon Majors	Lyle H. Webb
C. A. Hammons	Jack McPherron	Morris Weintraub
James P. Hanratty	C. S. Nabb	G. F. Williamson

—66

Those who voted in the negative were—

A. L. (Chick) Love Egbert V. Taylor —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 182. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) If an application for review is made to the board within within fourteen days from the date of the award, the full board, if the first hearing was not held before the full board, shall, as soon as practicable, review the evidence, or, if deemed advisable, hear the parties at issue, their representatives and witnesses, and shall make an award and file it as specified in KRS 342.275.

Section 2. Section 342.315 of the Kentucky Revised Statutes is amended to read as follows:

The Board, or any member thereof, may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. The physician or surgeon shall be allowed a reasonable fee to be fixed by the Board, not exceeding fifty dollars for each examination and report, except that the Board may allow additional reasonable amounts in extraordinary cases and the reasonable cost of X-rays, if any; the Board may in its discre-

tion allow a fee not in excess of ten dollars for any deposition given by such physician or surgeon. The Board may allow traveling expenses to the employee or to the physician or surgeon. The traveling expenses and fees allowed under this subsection shall be paid out of the maintenance fund.

Section 3. Section 342.485 of the Kentucky Revised Statutes is amended to read as follows:

If the total net surplus to the credit of the maintenance fund of June 30 of any year exceeds $150,000 the tax provided for under KRS 342.475 shall not be assessed or collected during the ensuing year, and the tax provided for under KRS 342.450 shall be collected, but paid into the State Treasury to be credited to the General Fund instead of to the maintenance fund provided for in KRS 342.480.

Mr. Lowman offered the following amendment to said bill, viz:

Amend printed copy of S. B. No. 128 on page 1, section 1, following line 8, by inserting, following line 8 of Section 1, the following additional subsection:

"(2) If a party introduces at a hearing before the full board a witness whose testimony at the original hearing appears in the transcript of evidence taken thereat, the costs accruing through the attendance of such witness and the transcribing of his testimony at the second hearing shall be borne by the party introducing him at that hearing, regardless of the outcome of the controversy."

Said amendment to said bill was agreed to.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	William K. Henry	James H. Polsgrove
Clarence J. Barnum	Woodrow W. Hollan	Hobart Rayburn
C. E. Baumgardner	Chester J. Holsclaw	W. R. Reasor
Fred Beshear	Robert N. Hubbard	Carl J. Ruh
Thomas L. Britton	Silas Jacobs	Amos Runyan
Charles J. Bronston	Paul S. Jonas	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Barkley Jones	Jesse H. Shelton
Alex Calvert	James W. Lambert	John M. Spaulding
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
Thomas R. Duncan	True Mackey	Ralph N. Walter
Mitchell S. Fannin	Damon Majors	Fred M. Warns
Henry C. Hale	Jack McPherron	Harry Lee Waterfield
James P. Hanratty	C. S. Nabb	G. F. Williamson
Paul E. Hayes		—43

Those who voted in the negative were—

Bill Adams	E. R. Hilton	Walter R. Moorman
John D. Beatty	W. M. Horn	Leonard W. Preston
G. I. Drury	Durham W. Howard	LeRoy Saylor
R. C. Estepp, Sr.	Maurice G. Howard	Egbert V. Taylor
C. A. Hammons	A. L. (Chick) Love	Lyle H. Webb
Harold G. Helm		—16

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now recess until 1:30 o'clock, p.m.

Said motion was agreed to.

And then the House recessed.

The hour of 1:30 o'clock, p.m. having arrived, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had adopted a resolution which originated in that body of the following title, viz:

S. Res. No. 69. A CONCURRENT RESOLUTION congratulating and extending felicitations to the County of Henderson and the City of Henderson upon the observance of their 175th Anniversary.

WHEREAS, on Friday, March 17, 1775, Colonel Richard Henderson, for whom the County of Henderson and City of Henderson are named, with others purchased from the Cherokee Indians the whole of that teritory lying between the Cumberland and Kentucky Rivers, amounting to over 1,700,000 acres of land, including what is now the County of Henderson; and

WHEREAS, this purchase by Colonel Henderson and his associates subsequently was declared void by Resolution of the Virginia Legislature, but thereafter, on Tuesday, November 17, 1778, there was enacted by the General Assembly of Virginia an Act granting to Colonel Richard Henderson and company a tract of land lying between the Ohio and Green Rivers, lying within the present boundaries of Henderson County;

WHEREAS, the history and development of the County of Henderson and the City of Henderson are typical of the tradi-

tions of Kentucky and emblematic of the pioneer spirit of our forefathers;

NOW, THEREFORE

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the General Assembly recognizes with pride the observance of the 175th Anniversary of the County of Henderson and the City of Henderson, occurring on March 17, 1950, and on this occasion offers congratulations and extends felicitations to the good citizens of that County and City.

That the Clerk of the Senate is directed to forward copies of this Resolution to the County Clerk of Henderson County and to the Clerk of the City of Henderson.

Said resolution was concurred in.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 186. AN ACT providing for the repeal and re-enactment of Kentucky Revised Statutes, Section 96.250, providing for the election and salaries of officers and appointment and salaries of employees of waterworks in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Kentucky Revised Statutes, Section 96.250, is hereby repealed and re-enacted and as re-enacted shall read as follows:

The board of waterworks shall annually elect a president, treasurer, secretary and chief engineer, who shall hold their offices for one year, or until their succesors have been elected

and qualified, and devote all their time to the duties of their respective offices. No member of the board except the president shall receive a salary, but the board may allow compensation to each member other than the president for attendance upon the meetings of the board, not exceeding ten dollars for each meeting attended. The president shall be elected from the members of the board. The president, secretary and treasurer shall each give bond, with approved surety, in an amount fixed by the board, payable to the board and conditioned that the makers will faithfully perform the duties of their several offices. The board may appoint such other employees as it deems necessary or proper and may fix the compensation of its officers and employees.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	R. O. Blevins	Stanley Carter
Bill Adams	Charles J. Bronston	Paul Combs
Edgar Arnett	J. D. Buckman, Jr.	R. Josh Cosby
Sidney Baer	Mrs. M. E. Burnett	B. H. Crider
Clarence J. Barnum	Charles W. Burnley	Thomas R. Duncan
Fred Beshear	Alex Calvert	R. C. Estepp, Sr.

James P. Hanratty	John Martin	James S. Shaw
George F. Harris	William T. Marshall	Gus Sheehan, Jr.
John A. Head	Jack McPherron	Joseph T. Snapp
Harold G. Helm	Alton Mitchell	John M. Spaulding
E. R. Hilton	Archie R. Moore	Roy Steers
Woodrow W. Hollan	Emmett G. Moore	Raymond D. Stigall
W. M. Horn	Fred H. Morgan	Mrs. Thelma Stovall
Richard R. Houpt	C. S. Nabb	W. R. Stringer
Robert N. Hubbard	James H. Polsgrove	Egbert V. Taylor
Barkley Jones	W. R. Reasor	Ralph N. Walter
William Jones	Carl J. Ruh	G. F. Williamson
Mrs. J. T. Linton	Amos Runyan	Charles W. Wirsch
Harry K. Lowman	LeRoy Saylor	
Damon Majors	Roy Searcy	—58

Those who voted in the negative were—

C. A. Hammons	Leonard W. Preston	Lyle H. Webb
Durham W. Howard	Fred M. Warns	Morris Weintraub
Maurice G. Howard	Harry Lee Waterfield	—8

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Holbrook moved that the rules be suspended and Rufus L. Moss be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 252. AN ACT relating to the State Board of Health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 211.050 of the Kentucky Revised Statutes is amended to read as follows:

The members of the State Board of Health shall hold office

for terms of four years and until their successors are appointed and qualify. In the appointment of successors and the filling of vacancies the classification of membership provided for in KRS 211.040 shall be observed. Any vacancy in the board occurring before the expiration of a term shall be filled by the Governor for the unexpired term subject to confirmation by the Senate, except that the member appointed to fill the first vacancy occuring for a term expiring on January 1, 1954 and a member appointed to fill a vacancy occurring for the term expiring on September 7, 1952 shall be apointed to terms expiring on December 31, 1952. The terms of all present and future members of the board shall expire on December 31 of the fourth year of their respective terms.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	E. R. Hilton	James H. Polsgrove
Sidney Baer	Woodrow W. Hollan	Hobart Rayburn
Clarence J. Barnum	W. M. Horn	W. R. Reasor
John D. Beatty	Richard R. Houpt	Carl J. Ruh
Fred Beshear	Durham W. Howard	Amos Runyan
R. O. Blevins	Maurice G. Howard	Roy Searcy
Charles J. Bronston	Robert N. Hubbard	James S. Shaw
J. D. Buckman, Jr.	Silas Jacobs	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Paul S. Jonas	Forest Smith
Charles W. Burnley	Barkley Jones	Joseph T. Snapp
Alex Calvert	Jesse H. Lawrence	John M. Spaulding
Paul Combs	Mrs. J. T. Linton	Roy Steers
R. Josh Cosby	Damon Majors	Raymond D. Stigall
Thomas R. Duncan	William T. Marshall	Mrs. Thelma Stovall
R. C. Estepp, Sr.	Jack McPherron	Egbert V. Taylor
C. A. Hammons	Archie R. Moore	Ralph N. Walter
James P. Hanratty	Emmett G. Moore	Fred M. Warns
George F. Harris	Walter R. Moorman	Harry Lee Waterfield
John A. Head	Fred H. Morgan	Lyle H. Webb
Harold G. Helm	C. S. Nabb	G. F. Williamson
William K. Henry		

—61

Those who voted in the negative were—

Homer E. Losey	Alton Mitchell	Charles W. Wirsch
John Martin		

—4

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 154. AN ACT relating to contracts and agreements required to be in writing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 371.010 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be brought to charge any person:

(1) For any representation or assurance concerning the character, conduct, credit, ability, trade or dealings of another, made with intent that such other may obtain thereby credit, money or goods;

(2) Upon any promise to pay a debt contracted during infancy, or any ratification of a contract or promise made during infancy;

(3) Upon any promise of a personal representative as such to answer any liability of his decedent out of his own estate;

(4) Upon any promise to answer for the debt, default or misdoing of another;

(5) Upon any agreement made in consideration of marriage, except mutual promises to marry;

(6) Upon any contract for the sale of real estate, or any lease thereof for longer than one year; or

(7) Upon any agreement that is not to be performed within one year from the making thereof; or

(8) Upon any promise, agreement, or contract for any commission or compensation for the sale or lease of any real estate or for assisting another in the sale or lease of any real estate; unless the promise, contract, agreement, representation, assurance or ratification, or some memorandum or note thereof, be in writing and signed by the party to be charged therewith, or by his authorized agent. The consideration need not be expressed in the writing, but it may be proved when necessary or disapproved by parol or other evidence.

Mr. Shaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Woodrow W. Hollan	Hobart Rayburn
Bill Adams	W. M. Horn	W. R. Reasor
Edgar Arnett	Richard R. Houpt	Carl J. Ruh
Sidney Baer	Durham W. Howard	Amos Runyan
Clarence J. Barnum	Maurice G. Howard	Dr. Roy Sanders
John D. Beatty	Robert N. Hubbard	LeRoy Saylor
Fred Beshear	Silas Jacobs	Roy Searcy
R. O. Blevins	Paul S. Jonas	Paul E. Shannon
Charles J. Bronston	Barkley Jones	James S. Shaw
J. D. Buckman, Jr.	William Jones	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Mrs. J. T. Linton	Forest Smith
Alex Calvert	Homer E. Losey	Joseph T. Snapp
Paul Combs	True Mackey	John M. Spaulding
R. Josh Cosby	John Martin	Roy Steers
B. H. Crider	William T. Marshall	Raymond D. Stigall
Thomas R. Duncan	G. Lee McClain	Mrs. Thelma Stovall
C. A. Hammons	Jack McPherron	Egbert V. Taylor
James P. Hanratty	Alton Mitchell	Rev. T. H. Tinsley
George F. Harris	Archie R. Moore	Ralph N. Walter
Paul E. Hayes	Emmett G. Moore	Harry Lee Waterfield
Harold G. Helm	Walter R. Moorman	Morris Weintraub
William K. Henry	Fred H. Morgan	G. F. Williamson
E. R. Hilton	C. S. Nabb	Charles W. Wirsch
Ray Holbrook	James H. Polsgrove	—71

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 151. AN ACT relating to the taxing of discretionary trusts and revocable trusts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 141.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The tax imposed by KRS 141.020 upon individuals shall apply to estates and trusts and to all fiduciaries. This tax shall be paid annually upon the income of estates and of any property held in trust, including:

(a) Income received by estates of deceased persons during the period of administration or settlement of the estate.

(b) Income accumulated in trust for the benefit of an unborn or unascertained person, or persons with contingent interests.

(c) Income held for future distribution under the terms of a will or trust.

(d) Income that is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and income collected by a guardian of an infant to be held or distributed as the court may direct.

(e) Income of an estate during the period of administration or settlement permitted by subsection (3) of this section to be

deducted from the net income upon which the tax is to be paid by the fiduciary.

(2) The fiduciary shall be responsible for making the return of income for the estate trust for which he acts, whether the income is taxable to the estate or trust or to the beneficiaries thereof. The net income of an estate or trust shall be computed in the same manner and on the same basis as provided for individual taxpayers, except that there shall also be allowed as a deduction any part of the gross income which, pursuant to the terms of the will or deed creating the trust, is during taxable year paid to or permanently set aside for the United States, this state or any taxing subdivision thereof, or any corporation or association organized and operated in this state exclusively for religious, charitable, scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private stockholder or individual. In cases under paragraphs (d) and (e) of subsection (1) of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of the net income, whether or not distributed before the close of the taxable year for which return is made.

(3) In cases under paragraphs (a), (b) and (c) of subsection (1) of this section, the tax shall be imposed upon the estate or trust with respect to the net income of the estate on trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of adminstration or settlement there may be deducted the amount of any income properly paid or credited to any legatee, heir other beneficiary. In such cases, the estate or trust shall be allowed no exemption such as is allowed to individuals, and a trust created by a nonresident person and an estate of a nonresident person shall be subject to tax only to the extent to which individuals other than residents are liable under this chapter.

(4) In cases under paragraphs (d) and (e) of subsection (1) of this section, if the distribution of income is in the discretion of the fiduciary, either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled, the tax shall be imposed upon the estate or trust in the manner provided

in subsection (3) of this section to the extent of income not actually distributed to beneficiaries. In all other cases under paragraphs (d) and (e) of subsection (1) of this section, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share, whether distributed or not, of the net income of the estate or trust for the taxable year, or, if his net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of the estate or trust ending within the fiscal year or calendar year upon the basis of which the beneficiary's net income is computed. In such cases the income of a nonresident beneficiary, derived through such estate or trust, shall be taxable only to the extent provided in this chapter.

(5) Notwithstanding subsections (1), (2), (3), (4) of this section, where at any time the power to revest in the grantor title to any part of the corpus of the trust is vested—

(a) in the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, or

(b) in any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, then the income of such part of the trust shall be included in computing the net income of the grantor.

(6) Where any part of the income of a trust:

(a) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

(b) May, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

(c) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of

such part of the income may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrovocably payable for the purposes and in the manner specified in Section 141.080 (10) relating to the socalled "charitable contribution" deduction); then such part of the income of the trust shall be included in computing the net income of the grantor.

Amendment No. 1. Amend printed copy of Senate Bill No. 151 on page 5, section 1, line 109, by striking the word "irrovocably" and inserting in lieu thereof the word "irrevocably."

Amendment No. 2. Amend printed copy of Senate Bill No. 151 on page 3, section 1, line 47, by striking the word "on" and inserting in lieu thereof the word "or".

Amendment No. 3. Amend printed copy of Senate Bill No. 151, on page 3, section 1, between the word "heir" on line 51 and the word "other" on line 52 by inserting the word "or".

Amendment No. 4. Amend printed copy of Senate Bill No. 151 on page 2, section 1, line 24, between the words "estate" and "trust" by inserting the word "or".

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	Amos Runyan
Edgar Arnett	William K. Henry	Dr. Roy Sanders
Sidney Baer	E. R. Hilton	LeRoy Saylor
Clarence J. Barnum	Chester J. Holsclaw	Roy Searcy
C. E. Baumgardner	W. M. Horn	Paul E. Shannon
Leonard T. Bean	Richard R. Houpt	Gus Sheehan, Jr.
John D. Beatty	Robert N. Hubbard	Forest Smith
Fred Beshear	Silas Jacobs	Joseph T. Snapp
R. O. Blevins	Barkley Jones	John M. Spaulding
L. E. Bradley	William Jones	J. Claude Stacy
Charles J. Bronston	Mrs. J. T. Linton	Roy Steers
J. D. Buckman, Jr.	Homer E. Losey	Raymond D. Stigall
Mrs. M. E. Burnett	True Mackey	Mrs. Thelma Stovall
Alex Calvert	Damon Majors	W. R. Stringer
Stanley Carter	John Martin	Egbert V. Taylor
Paul Combs	Jack McPherron	M. G. Thompson
R. Josh Cosby	Archie R. Moore	Rev. T. H. Tinsley
B. H. Crider	Walter R. Moorman	Fred M. Warns
Owen Deering	Fred H. Morgan	Harry Lee Waterfield
G. I. Drury	C. S. Nabb	Lyle H. Webb
C. A. Hammons	Leonard W. Preston	Charles W. Wirsch
James P. Hanratty	Hobart Rayburn	—65

Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 203. AN ACT relating to certain officers, deputies and assistants, and their offices in counties containing a population of 75,000 or more, including authorization to the fiscal court in such counties to appropriate funds for expenditures for certain offices.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That a new section of the Kentucky Revised Statutes be, and hereby is created to read as follows:

(1) The circuit clerk, county clerk, sheriff and jailer of each county having a population of 75,000 or over shall receive an annual salary of $7,200.00.

(2) The amount, if any, allowed for the necessary office expenses of each such officer shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by the judges or a majority there of of said courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(3) Each such officer shall, on the first day of each month, send to the Department of Finance a statement, subscribed and sworn to by him, showing the amount of money received or collected by or for him the preceding month, as fees or compensation for official duties, and shall, with such statement, send to the Department of Finance the amount so collected or received. The Department of Finance may extend the time for filing the statement and making the payment for a period not exceeding ten days in any month.

(4) The salary of each such officer and his deputies and assistants and his office expenses, shall be paid monthly by the State Treasurer upon the warrant of the Department of Finance made payable to the officer. If 75% of the amount paid into the State Treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that

month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the Department of Finance to any such officer for salaries and expenses exceed 75% of the amount paid to the Department of Finance by such officer during his official term.

(5) The number of deputies and assistants allowed to each such officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each such officer by an order entered upon the order book of the circuit court and county court and signed by the judges or a majority thereof of said courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

Sec. 2. That KRS Sections 64.040, 64.130, 28.300, 71.070, subsections (2) and (3) of 70.030, subsections (1), (2) and (3) of 64.170 are hereby repealed.

Sec. 3. That Section 64.270 of the Kentucky Revised Statutes be, and the same is hereby repealed, amended and reenacted to read as follows:

(1) In counties containing a population of 75,000 or over, commissioners and receivers appointed by the circuit court shall receive an annual salary of $6000, payable out of the fees of the office.

(2) The amount, if any, allowed for necessary office expenses of said commissioners and receivers shall be fixed and regulated by an order entered upon the order book of the circuit court. A certified copy of the order and any subsequent changes made therein shall, as soon as entered, be forwarded to the Department of Finance.

(3) Each of said commissioners and receivers shall enter and keep in books in his office an account of the amounts earned by him or due him for official services rendered, when and to whom the service was rendered, what part has been paid, and when paid. He shall annually, in January, report to the Department of Finance, under oath, the amount received by him for official services from all sources during the preceding year, and

the amount paid out for deputies, assistants and office expenses, giving separately the amount paid out for each item.

(4) Except as provided in subsection (5) of this section, the commissioner or receiver shall with the annual statement pay to the Department of Finance any amount in excess of $7,200, received during the preceding year for official services, that remains after payment of salaries of deputies and assistants and legitimate office expenses.

(5) Such commissioners and receivers may make up out of the surplus of any year any shortage in their salaries, or the salaries of their deputies, of any previous year.

Sec. 4. That Section 27.080 of the Kentucky Revised Statutes be, and the same is hereby repealed, amended and reenacted to read as follows:

(1) When necessary to aid the commissioner in the discharge of his duties the court may authorize him to appoint, with the approval of the court, deputies to assist him. If more than one deputy be necessary, the court shall determine how many deputies shall be appointed. The deputies shall take the same oath taken by the commissioner, may perform any of his duties and may be removed at his pleasure.

(2) In counties having a population of seventy-five thousand or over the number of deputies allowed to each commissioner and receiver and the compensation allowed to each deputy shall be fixed by an order of the circuit court entered upon the order book, and a certified copy of the order, and any subsequent changes made therein shall, as soon as entered, be forwarded to the Department of Finance.

(3) The salaries provided for by subsection (2) of this section shall be paid out of the fees of the office.

Sec. 5. That a new section of the Kentucky Revised Statutes be, and hereby is created to read as follows:

The fiscal court in counties containing a population of 75,000 or over may authorize and pay out of the general fund of the county for any expenditures which, in its discretion, is

deemed necessary for the efficient operation of the offices of the county and circuit court clerk, sheriff and jailer.

Sec. 6. That a new section of the Kentucky Revised Statutes be, and hereby is created to read as follows:

The increase in compensation allowed to circuit and county court clerks, sheriffs, jailers, master commissioners and receivers in counties containing a population of 75,000 or over, as provided for in Sections 1 and 3 of this Act, is hereby authorized to be received by said officers in office at the time of the effective date of this Act. This Act is intended to exercise the authority granted to the Legislature in Section 246 of the Constitution as amended.

Sec. 7. That a new section of the Kentucky Revised Statutes be, and hereby is created to read as follows:

The population of a county shall, for the purposes of this Act, be determined by the most recent Federal decennial census enumeration, provided however that the provisions of this Act shall not become operative to such officers mentioned herein during their term, in counties determined to have acquired, since the last census, a population of more than 75,000.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	C. S. Nabb
Edgar Arnett	Paul E. Hayes	James H. Polsgrove
Sidney Baer	William K. Henry	Hobart Rayburn
Clarence J. Barnum	E. R. Hilton	W. R. Reasor
C. E. Baumgardner	Ray Holbrook	Carl J. Ruh
Fred Beshear	Woodrow W. Hollan	Amos Runyon
R. O. Blevins	Chester J. Holsclaw	LeRoy Saylor
L. E. Bradley	W. M. Horn	Roy Searcy
Thomas L. Britton	Richard R. Houpt	Paul E. Shannon
Charles J. Bronston	Robert N. Hubbard	James S. Shaw
J. D. Buckman, Jr.	Silas Jacobs	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Paul S. Jonas	John M. Spaulding
Charles W. Burnley	Barkley Jones	Roy Steers
Alex Calvert	William Jones	Raymond D. Stigall
Stanley Carter	Mrs. J. T. Linton	Mrs. Thelma Stovall
Paul Combs	True Mackey	Egbert V. Taylor
R. Josh Cosby	John Martin	Rev. T. H. Tinsley
Owen Deering	Jack McPherron	Ralph N. Walter
G. I. Drury	Archie R. Moore	Morris Weintraub
Thomas R. Duncan	Walter R. Moorman	G. F. Williamson
C. A. Hammons	Fred H. Morgan	Charles W. Wirsch
James P. Hanratty		—64

Those who voted in the negative were—

John D. Beatty	Homer E. Losey	Harry L. Waterfield
Harold G. Helm	Alton Mitchell	Lyle H. Webb
Durham W. Howard	Forest Smith	—8

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 169. AN ACT relating to the examination of credit unions; examination fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 290.100 of the Kentucky Revised Statutes is amended to read as follows:

(2) Each credit union shall pay to the Department an examination fee based upon the gross asset value of the corporation, in accordance with the following schedule:

Assets	Fee
$ 5,000 and Under	$ 15.00
5,000 to $ 15,000	20.00
15,000 to 25,000	30.00
25,000 to 100,000	50.00
100,000 to 200,000	60.00
200,000 to 500,000	100.00
500,000 and Over	125.00

An additional fee of $10.00 shall be paid by any credit union, the books of which are not balanced to a date within sixty days prior to the examination.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	George F. Harris	Fred H. Morgan
Sidney Baer	Paul E. Hayes	C. S. Nabb
Clarence J. Barnum	John A. Head	James H. Polsgrove
C. E. Baumgardner	William K. Henry	Hobart Rayburn
Fred Beshear	Ray Holbrook	Amos Runyan
R. O. Blevins	Woodrow W. Hollan	Dr. Roy Sanders
L. E. Bradley	Chester J. Holsclaw	Roy Searcy
Thomas L. Britton	W. M. Horn	James S. Shaw
Charles J. Bronston	Richard R. Houpt	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Silas Jacobs	Joseph T. Snapp
Alex Calvert	Paul S. Jonas	John M. Spaulding
Stanley Carter	Barkley Jones	J. Claude Stacy
Paul Combs	Mrs. J. T. Linton	Roy Steers
R. Josh Cosby	Homer E. Losey	W. R. Stringer
B. H. Crider	Harry K. Lowman	Egbert V. Taylor
Owen Deering	True Mackey	M. G. Thompson
G. I. Drury	Damon Majors	Rev. T. H. Tinsley
Henry C. Hale	Jack McPherron	Lyle H. Webb
James P. Hanratty	Walter R. Moorman	—56

Those who voted in the negative were—

Charles W. Burnley	John Martin	Mrs. Thelma Stovall
Harold G. Helm	Alton Mitchell	Fred M. Warns
Durham W. Howard	Leonard W. Preston	Charles W. Wirsch
Maurice G. Howard	Forest Smith	—11

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 171. AN ACT relating to administration and enforcement of the law with respect to securities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 286.060 of the Kentucky Revised Statutes is repealed.

Sec. 2. Section 287.011 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is created a Department of Banking, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Banking, who shall be the executive head of the department and shall be charged with the administration of the department.

(2) The Department of Banking shall have and exercise all administrative functions of the state in relation to the regulation, supervision, chartering and licensing of banks, trust companies, building and loan associations, petty loan companies, investment and industrial loan companies, and credit unions, and in relation to the regulation of securities. For administrative purposes the department may be divided into sections for each class of financial institutions under jurisdiction of the department, and there shall be within the department, for regulation of securities, a Division of Securities, headed by a director who shall have had at least four years' successful business experience.

(3) Wherever in the statutes there is a reference to the "Division of Banking," "Director of Banking," "deputy director of banking" or similar official, it shall be deemed to refer respectively, to the Department of Banking, Commissioner of Banking,

deputy commissioner of banking or other appropriate official of the Department of Banking.

Sec. 3. A new section of the statutes is created, to be numbered KRS 292.015 and to read as follows:

Wherever in this chapter there is a reference to the Division of Securities it means the Division of Securities in the Department of Banking.

Sec. 4. All fees collected and paid into the State Treasury under the provisions of KRS Chapter 292 shall be credited to the revolving trust or agency fund account, as provided in KRS 45.140, for the Department of Banking and shall be separately accounted for and used for administration and enforcement of the provisions of KRS Chapter 292.

Sec. 5. Any sums appropriated out of the State Treasury to the Division of Securities in the Department of Business Regulation for the fiscal years 1950-1951 and 1951-1952 shall be transferred to and be deemed to be appropriated to the Division of Securities in the Department of Banking.

Sec. 6. This Act shall take effect on July 1, 1950.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Paul E. Hayes	James H. Polsgrove
Sidney Baer	John A. Head	Leonard W. Preston
Clarence J. Barnum	William K. Henry	Hobart Rayburn
C. E. Baumgardner	Ray Holbrook	Amos Runyan
Fred Beshear	Chester J. Holsclaw	Dr. Roy Sanders
R. O. Blevins	W. M. Horn	Roy Searcy
L. E. Bradley	Richard R. Houpt	James S. Shaw
Thomas L. Britton	Silas Jacobs	Gus Sheehan, Jr.
Charles J. Bronston	Paul S. Jonas	Joseph T. Snapp
J. D. Buckman, Jr.	Barkley Jones	John M. Spaulding
Charles W. Burnley	Mrs. J. T. Linton	J. Claude Stacy
Alex Calvert	Homer E. Losey	Roy Steers
Stanley Carter	Harry K. Lowman	Mrs. Thelma Stovall
Paul Combs	True Mackey	W. R. Stringer
R. Josh Cosby	Damon Majors	Egbert V. Taylor
B. H. Crider	John Martin	M. G. Thompson
Owen Deering	Jack McPherron	Rev. T. H. Tinsley
G. I. Drury	Walter R. Moorman	Fred M. Warns
Henry C. Hale	Fred H. Morgan	Lyle H. Webb
James P. Hanratty	C. S. Nabb	Charles W. Wirsch
George F. Harris		—61

Those who voted in the negative were—

Harold G. Helm	Durham W. Howard	Alton Mitchell
Woodrow W. Hollan	Maurice G. Howard	—5

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 158. AN ACT to amend Chapter 289 of the Kentucky Revised Statutes relating to Building and Loan Associations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 289.520. Power to purchase stock in Savings and Loan Insurance Corporation and insure stock in same.

1. Building and Loan Associations authorized under this chapter shall have power, and are authorized to apply to the Federal Savings and Loan Insurance Corporation, or any other Savings and Loan Insurance Corporation or Building and Loan Insurance Corporation, for the insurance of their shares of stock as provided in Title IV of the National Housing Act, and to do all things necessary to provide for such insurance of shares of stock, including the payment of any premiums or assessments therefor, and if necessary or desirable to purchase stock in said Corporation in connection therewith, and to continue to provide such insurance through said Corporation or any other Federal or State instrumentality providing such insurance of shares of stock or similar protection for stockholders, savers and investors in such associations.

2. No association shall purchase stock or insure its stock in any Savings and Loan or Building and Loan Insurance Corporation other than the Federal Savings and Loan Insurance Corporation without the approval of the Commissioner of Banking.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Paul E. Hayes	James H. Polsgrove
Sidney Baer	John A. Head	Leonard W. Preston
Clarence J. Barnum	William K. Henry	Hobart Rayburn
C. E. Baumgardner	Ray Holbrook	Amos Runyan
Fred Beshear	Chester J. Holsclaw	Dr. Roy Sanders
R. O. Blevins	W. M. Horn	Roy Searcy
L. E. Bradley	Richard R. Houpt	James S. Shaw
Thomas L. Britton	Silas Jacobs	Gus Sheehan, Jr.
Charles J. Bronston	Paul S. Jonas	Joseph T. Snapp
J. D. Buckman, Jr.	Barkley Jones	John M. Spaulding
Charles W. Burnley	Mrs. J. T. Linton	J. Claude Stacy
Alex Calvert	Homer E. Losey	Roy Steers
Stanley Carter	Harry K. Lowman	Mrs. Thelma Stovall
Paul Combs	True Mackey	W. R. Stringer
R. Josh Cosby	Damon Majors	Egbert V. Taylor
B. H. Crider	John Martin	M. G. Thompson
Owen Deering	Jack McPherron	Rev. T. H. Tinsley
G. I. Drury	Walter R. Moorman	Fred M. Warns
Henry C. Hale	Fred H. Morgan	Lyle H. Webb
James P. Hanratty	C. S. Nabb	Charles W. Wirsch
George F. Harris		—61

Those who voted in the negative were—

Harold G. Helm	Durham W. Howard	Alton Mitchell
Woodrow W. Hollan	Maurice G. Howard	—5

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 147. AN ACT relating to authorized investments of trust funds; providing for accounting for profits; providing for the ascertainment and apportionment of dividends among life tenants and remaindermen; amending Section 386.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 386.020 of the Kentucky Revised Statutes, be and the same is hereby repealed, amended and re-enacted so that as amended and re-enacted, it shall read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments;

(i) Real estate, after obtaining the approval of the county court for such investment; and

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the county court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

(4) All dividends on shares of a corporation forming a part of the principal of an estate or trust which are payable in shares of the same class of the corporation and which are payable at a rate of 10% or more of the corporation's outstanding shares of such class before such dividend, shall be deemed principal of the estate or trust, and all such dividends payable at a rate less than 10% of the corporation's outstanding shares of such class before such dividend, shall be deemed income of the estate or trust. Subject to the provisions of this section, all dividends payable otherwise than in the shares of the same class of the corporation itself, including ordinary and extra-ordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income. Where the trustee shall have the option of re-

ceiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Charles W. Burnley	George F. Harris
Sidney Baer	Alex Calvert	Paul E. Hayes
Clarence J. Barnum	Stanley Carter	John A. Head
C. E. Baumgardner	Paul Combs	William K. Henry
Fred Beshear	R. Josh Cosby	Ray Holbrook
R. O. Blevins	B. H. Crider	Chester J. Holsclaw
L. E. Bradley	Owen Deering	W. M. Horn
Thomas L. Britton	G. I. Drury	Richard R. Houpt
Charles J. Bronston	Henry C. Hale	Silas Jacobs
J. D. Buckman, Jr.	James P. Hanratty	Paul S. Jonas

Barkley Jones	C. S. Nabb	J. Claude Stacy
Mrs. J. T. Linton	James H. Polsgrove	Roy Steers
Homer E. Losey	Hobart Rayburn	Mrs. Thelma Stovall
Harry K. Lowman	Amos Runyan	W. R. Stringer
True Mackey	Dr. Roy Sanders	Egbert V. Taylor
Damon Majors	Roy Searcy	M. G. Thompson
John Martin	James S. Shaw	Rev. T. H. Tinsley
Jack McPherron	Gus Sheehan, Jr.	Fred M. Warns
Walter R. Moorman	Joseph T. Snapp	Lyle H. Webb
Fred H. Morgan	John M. Spaulding	Charles W. Wirsch

—60

Those who voted in the negative were—

Harold G. Helm	Durham W. Howard	Alton Mitchell
W. W. Hollan	Maurice G. Howard	Leonard W. Preston

—6

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 185. AN ACT relating to Common Trust Funds, established pursuant to KRS 287.230, creating a new section to be known as KRS 287.235 and providing that such Funds shall not be considered as a separate entity for tax purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Common trust funds shall not be considered as an entity for income or other tax purposes, nor shall investment in such fund make taxable any property which is otherwise exempt therefrom; and for purposes of taxation, the status of the common trust fund and of each participant therein shall be determined as though

there were no common fund and as though each participant was the owner of its proportionate share of every asset held in the common fund. The bank or trust company maintaining said fund shall file a report of said fund with the County Tax Commissioner as of the ad valorem tax date and shall file annually such income tax information as may be required by the Department of Revenue.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Alex Calvert	John A. Head
Sidney Baer	Stanley Carter	William K. Henry
Clarence J. Barnum	Paul Combs	Ray Holbrook
C. E. Baumgardner	R. Josh Cosby	Chester J. Holsclaw
Fred Beshear	B. H. Crider	W. M. Horn
R. O. Blevins	Owen Deering	Richard R. Houpt
L. E. Bradley	G. I. Drury	Silas Jacobs
Thomas L. Britton	Henry C. Hale	Paul S. Jonas
Charles J. Bronston	James P. Hanratty	Barkley Jones
J. D. Buckman, Jr.	George F. Harris	Mrs. J. T. Linton
Charles W. Burnley	Paul E. Hayes	Homer E. Losey

Harry K. Lowman	Hobart Rayburn	Roy Steers
True Mackey	Amos Runyan	Mrs. Thelma Stovall
Damon Majors	Dr. Roy Sanders	W. R. Stringer
John Martin	Roy Searcy	Egbert V. Taylor
John McPherron	James S. Shaw	M. G. Thompson
Walter R. Moorman	Gus Sheehan, Jr.	Rev. T. H. Tinsley
Fred H. Morgan	Joseph T. Snapp	Fred M. Warns
C. S. Nabb	John M. Spaulding	Lyle H. Webb
James H. Polsgrove	J. Claude Stacy	Charles W. Wirsch
Leonard W. Preston		–61

Those who voted in the negative were–

Harold G. Helm	D. W. Howard	Alton Mitchell
W. W. Hollan	Maurice G. Howard	–5

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 133. AN ACT authorizing and adding two additional judges for the Thirtieth Circuit Court District, embracing Jefferson County; establishing additional divisions of said circuit court; and providing for the appointment and election of the additional judges.

Said bill is as follows, viz:

WHEREAS, the population of the Thirtieth Circuit Court District, embracing the County of Jefferson, as ascertained by the last enumeration, exceeds 350,000, and thus contains an increase of more than 200,000 over the original base of 150,000 as contemplated by Section 137 of the Constitution; and

WHEREAS, said District is entitled under Section 137 of the Constitution to two additional circuit judges;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Two additional judges of the circuit court for the Thirtieth Circuit Court District are hereby authorized and added to said court.

Sec. 2. The criminal branch of the circuit court for the Thirtieth Circuit Court District shall have two divisions, to be named, respectively, criminal branch, first division, and criminal branch, second division. The judge of the criminal branch at the time this Act takes effect shall be the judge of the criminal branch, first division, and one of the additional judges provided for in this Act shall be the judge of the criminal branch, second division.

Sec. 3. There is added to the common pleas branch of the circuit court for the Thirtieth Circuit Court District an additional division to be named the common pleas branch, fifth division, and one of the additional judges provided for in this Act shall be the judge of the common pleas branch, fifth division.

Sec. 4. At the regular election to be held on the first Tuesday after the first Monday in November, 1951, and every six years thereafter, there shall be elected, for the Thirtieth Circuit Court District, a judge of the circuit court, criminal branch, first division and a judge of the circuit court, criminal branch, second division, in lieu of the single judge of the circuit court, criminal branch, as provided for in KRS 24.190; and there shall be elected, in addition to the judges of the common pleas branch provided for in KRS 24.190, a judge of the circuit court, common pleas branch, fifth division. Such elections shall be held in accordance wtih the provisions of KRS 24.190.

Sec. 5. Until the first Monday in January, 1952, at which time the additional judges elected under Section 4 of this Act will enter upon the duties of their offices, the offices of additional circuit court judges provided for in this Act shall be filled as provided in Section 152 of the Constitution for the filling of vacan-

cies in office. The judges selected to fill such vacancies shall be commissioned by the Governor, respectively, as judge of the criminal branch, second division, and judge of the common pleas branch, fifth division, of the Thirtieth Circuit Court District.

Sec. 6. The courts in the Thirtieth Circuit Court District shall be held, and the business therein conducted, in the manner now provided by law for circuit courts having seven judges.

Sec. 7. This Act shall take effect on August 15, 1950.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Charles W. Burnley
Bill Adams	Thomas L. Britton	Alex Calvert
Sidney Baer	Charles J. Bronston	Stanley Carter
Clarence J. Barnum	J. D. Buckman, Jr.	Paul Combs
C. E. Baumgardner	Mrs. M. E. Burnett	R. Josh Cosby

B. H. Crider	Jesse H. Lawrence	Amos Runyan
Henry C. Hale	Mrs. J. T. Linton	Paul E. Shannon
James P. Hanratty	Harry K. Lowman	James S. Shaw
George F. Harris	True Mackey	Joseph T. Snapp
Paul E. Hayes	Damon Majors	John M. Spaulding
John A. Head	John Martin	Roy Steers
William K. Henry	G. Lee McClain	Raymond D. Stigall
Ray Holbrook	Archie R. Moore	Mrs. Thema Stovall
W. W. Hollan	Walter R. Moorman	W. R. Stringer
Chester J. Holsclaw	Fred H. Morgan	Egbert V. Taylor
W. M. Horn	C. S. Nabb	Rev. T. H. Tinsley
Richard R. Houpt	James H. Polsgrove	Ralph N. Walter
Silas Jacobs	Leonard W. Preston	Geo. F. Williamson
Paul S. Jonas	Hobart Rayburn	Chares W. Wirsch
Barkley Jones	W. R. Reasor	—59

Those who voted in the negative were—

John D. Beatty	Homer E. Losey	Fred M. Warns
C. A. Hammons	Roy Searcy	Lyle H. Webb
Maurice G. Howard	J. Claude Stacy	—8

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 152. AN ACT to regulate the racing of trotting horses in the Commonwealth of Kentucky and providing for the establishment of the Kentucky Trotting Commission and prescribing its powers and duties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. (1) As used in this Act, unless the context requires otherwise:

(a) "Association" includes incorporated as well as unincorporated associations; and

(b) "Commission" means "Kentucky Trotting Commission."

(c) "Trotting Races" shall include both trotting and pacing races.

(2) Sections 2 to 10 of this Act do not apply to trots or trotting races conducted by any state, county or other fair association, holding not more than one meeting annually, which meeting does not exceed six days.

SECTION 2. (1) The Kentucky Trotting Commission shall be an agency independent of state administrative departments.

(2) The commission shall consist of a five persons appointed by the Governor. The members of the commission shall hold their offices for a term of four years.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

SECTION 3. (1) The Governor shall appoint a secretary of the commission, for a term of not exceeding four years.

(2) The secretary shall keep a full record of the proceedings of the commission, preserve at its general office all books, maps, documents and papers entrusted to the commission, and perform such other duties as the commission prescribes.

(3) The secretary shall receive an annual salary which shall be fixed by the commission, and which shall be paid by proportionate contributions of the several trotting associations licensed by the commission. The commission, on or before December 1 of each year, shall assess upon each trotting associations its just proportion of the salary of the secretary.

SECTION 4. (1) The commission may prescribe the regulations and conditions under which trotting horse races shall be conducted in this state.

(2) An association desiring to conduct trotting horse races may annually apply to the commission for a license. If in the judgment of the commission a proper case for issuance is shown, it may grant the license for a term of one year. Every license shall contain a condition that all trotting horse races or meetings conducted under it shall be subject to the regulations and conditions from time to time prescribed by the commission.

(3) A license shall be revocable by the commission for any violation of it or whenever the continuance of the license is deemed by the commission not conducive to the interests of legitimate racing. If a license is refused or revoked, the commission shall publicly state its reasons for the refusal or revocation and those reasons shall be written in full in the minute book of the commission, which shall at all times be subject to inspection by anyone desiring to inspect it. A refusal of the commission to grant to any trotting association a license, or to assign any trotting association at least forty days in each year, if desired for trotting races or meetings at the track of the association, and the revocation of the license of any association shall be subject to judicial review.

SECTION 5. Except as provided in subsection (2) of Section 1:

(1) No trotting horse race shall be conducted except by an association licensed by the commission.

(2) No person shall operate or participate in any trotting horse race meeting at which trotting horse racing is permitted for a prize or stake, unless the race meeting has been licensed under Section 4.

(3) Every trotting horse race not licensed under Section 4 is a public nuisance, and the commission may obtain an injunction against it, in the circuit court of the county where the unlicensed race is proposed to take place.

SECTION 6. (1) An association formed for the purpose of racing and breeding or improving the breed of trotting horses

and conducting contests of speed may hold one or more trotting race meetings between April 1 and December 1 of each year.

(2) At such meetings the association or the owners of the horses engaged in the trotting races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a horse contesting in a trotting race shall have any pecuniary interest in a prize or stake contested for in that race, or be entitled to, or receive any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

SECTION 7. No person shall knowingly enter or cause to be entered for competition, or compete, for a prize or stake, or drive any horse, under an assumed name, or out of its proper class, where the prize or stake is to be decided by a contest of speed.

SECTION 8. (1) No person shall change the name of any horse for the purpose of entry for competition in any contest of speed, after the horse has once contested for a prize or stake, except as provided by the code of rules of the association under which the contest is advertised to be conducted.

(2) The class to which a horse belongs, for the purpose of an entry in any contest of speed, shall be determined by the public performance of that horse in any former contest or trial of speed, as provided by the rules of the association under which the proposed contest is advertised to be conducted.

(3) No person shall knowingly misrepresent or fraudulently conceal the public performance in any former contest, or trial of speed, of any horse that he proposes to enter in a contest, whether the horse is actually entered or not.

SECTION 9. No official timer at any trotting race shall announce willfully and falsely a slower or faster time than that actually accomplished by a horse, when the result of that race is to constitute a record.

SECTION 10. (1) Any person who violates subsection (2) of Section 5 shall be fined not less than five hundred nor more than one thousand dollars for each day of the meeting or racing.

(2) Any person who violates Section 7 or subsection (3) of Section 8 shall be fined not more than one thousand dollars. In addition to the fine, he shall be imprisoned in the county jail for not more than one year or imprisoned in the penitentiary for not more than two years.

(3) Any person who violates Section 9 shall, for each offense, be fined not more than five hundred dollars, or imprisoned for not more than six months, or both fined and imprisoned.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Leonard T. Bean	J. D. Buckman, Jr.
Clarence J. Barnum	Fred Beshear	Mrs. M. E. Burnett
C. E. Baumgardner	Charles J. Bronston	Alex Calvert

Stanley Carter	Silas Jacobs	Carl J. Ruh
R. Josh Cosby	Paul S. Jonas	Roy Searcy
B. H. Crider	Barkley Jones	Paul E. Shannon
Thomas R. Duncan	Mrs. J. T. Linton	James S. Shaw
Henry C. Hale	A. L. (Chick) Love	Gus Sheehan, Jr.
James P. Hanratty	Harry K. Lowman	Forest Smith
George F. Harris	True Mackey	John M. Spaulding
Paul E. Hayes	Damon Majors	Roy Steers
John A. Head	G. Lee McClain	Mrs. Thema Stovall
William K. Henry	Jack McPherron	W. R. Stringer
E. R. Hilton	Alton Mitchell	Egbert V. Taylor
Ray Holbrook	Archie R. Moore	M. G. Thompson
W. W. Hollan	Fred H. Morgan	Fred M. Warns
Chester J. Holsclaw	C. S. Nabb	Harry Lee Waterfield
W. M. Horn	James H. Polsgrove	Geo. F. Williamson
Richard R. Houpt	Hobart Rayburn	Charles W. Wirsch
Robert N. Hubbard	W. R. Reasor	—59

Those who voted in the negative were—

John D. Beatty	Maurice G. Howard	Dr. C. E. Palmore
Thomas L. Britton	Homer E. Losey	Leonard W. Preston
C. A. Hammons	Emmett G. Moore	Lyle H. Webb
D. W. Howard		—10

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 189. AN ACT relating to the State Fire and Tornado Insurance Fund, and other insurance on state property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS. As used in Chapter 56 of KRS, unless the context requires otherwise: (a) "Subject of Risk" means any or all property reasonably considered to be subject to loss or damage by any single occurrence of any event insured against.

(b) "Extended Coverage" means the perils of windstorm, hail, explosion, riot, riot attending a strike, civil commotion, aircraft, vehicles and smoke as used and defined in the Uniform Standard Form approved by the Division of Insurance as of the effective date of this Act.

(c) "Division of Insurance" means the "Division" or the "Department of Insurance".

Section 2. KRS 56.070 is hereby amended to read as follows:

"INSURANCE ON STATE PROPERTY. (1) No officer or agent of the state, and no person or agency of the state having control or custody of any buildings or other property belonging to or controlled or used by the state or any agency of the state shall pay out any state money for the purchase of insurance against loss to state property by fire or the perils included in Extended Coverage, or incur any indebtedness against the state for such insurance.

(2) Subsection (1) of this section does not apply to property financed under a statutory amortization plan which has not been completed, or to the reinsurance of state property under KRS 56.160. The Division of Insurance in the Department of Business Regulation shall insure with a responsible company or companies authorized to do business in Kentucky all property financed under a statutory amortization plan, to the extent of the lien indebtedness upon the property or to the extent of its reasonable value, whichever is the lesser.

(3) Any officer or agent of the state having control or custody of any property belonging to or controlled or used by the state or any agency of the state may, with the approval of the Commissioner of Finance and the Division of Insurance, from the funds allotted to such agency, purchase insurance of an

additional kind or kinds which cannot properly be covered in the State Fire and Tornado Insurance Fund."

Section 3. KRS 56.090 is hereby amended to read as follows:

"RATE OF PREMIUM, HOW FIXED AND CERTIFIED. Before July 1 of each year the Division of Insurance shall fix, upon each public building and upon each class of personal property belonging to or controlled or used by the state or any agency of the state, the rate of premium that the Division of Insurance deems to be the average rate charged by responsible insurance companies doing business in this state for insurance against damage by fire and the perils included in Extended Coverage upon property of like kind and degree of risk. The premium and insurance shall be calculated upon ninety percent of the valuation. Before July 1 of each year the Division of Insurance shall certify to the State Treasurer the premium to be charged against each agency of the state."

Section 4. KRS 56.100 is hereby amended to read as follows:

"STATE FIRE AND TORNADO INSURANCE FUND; PAYMENTS INTO. Each fiscal year the State Treasurer shall deduct from any funds in his hands payable to an agency for the care and maintenance of public buildings or property, an amount equal to the premiums certified to him as chargeable against that agency. The amount so debited shall be credited to an account kept by the State Terasurer and known as the State Fire and Tornado Insurance Fund. No premium shall be charged on any one subject of risk upon a valuation of more than $500,000 unless the Division of Insurance has contracted for reinsurance that limits the liability of the fund to $500,000 upon such subject of risk."

Section 5. KRS 56.110 is hereby amended to read as follows:

"DAMAGE TO STATE PROPERTY; HOW ASSESSED. In case any building or other property belonging to the state or a

state agency is damaged by any of the perils insured against, except as herein otherwise provided, the agency having control or custody over the property shall within thirty days certify the event to the Division of Insurance. After receiving in any manner knowledge of the event, the Division of Insurance shall ascertain and fix the amount of damage and file with the State Treasurer a statement thereof. If the agency having control or custody of the property disagrees with the estimate of damage, the agency and the Division of Insurance shall each appoint one member of a board of appraisers, which two members shall select a third member. An award in writing, submitted by the board of appraisers to the State Treasurer, shall determine the amount of damage."

Section 6. KRS 56.120 is hereby amended to read as follows:

"PAYMENT FOR DAMAGES OCCURRING. When the amount of damage has been determined, the State Treasurer shall debit the account of the State Fire and Tornado Insurance Fund by that amount and credit with an equal amount the account of the agency that has control or custody of the property damaged, and upon warrant from the Department of Finance the Treasurer shall pay to the agency the amount so credited to it, for the purpose of repairing the damage or reconstructing or replacing the damaged property. No debit, credit, or payment made on account of the damage to any one subject of risk, by any one loss, shall be in excess of $500,000, unless the Division of Insurance has effected reinsurance upon the subject of risk such as to limit the liability of the State Fire and Tornado Insurance Fund to $500,000, and unless the excess over this amount has actually been paid into the fund by the reinsuring company or companies."

Section 7. KRS 56.150 is hereby amended to read as follows:

"EXPENSES OF ADMINISTRATION. The Division of Insurance and the State Treasurer may employ such assistance and incur such expenses as are necessary to carry out the pur-

poses of KRS 56.070 to 56.180, subject to approval in advance by the Department of Finance. All such expenses may be debited against the State Fire and Tornado Insurance Fund, and paid on warrant of the Department of Finance, but the total of such expenses during any fiscal year shall not exceed ten percent of the total receipts of the fund during the same fiscal year. If such expenses are incurred at a time when there is not a sufficient amount in the fund to pay them, they shall constitute a prior claim to be paid out of the first receipts of the fund thereafter before any damages on account of insured losses are paid.

Section 8. KRS 56.160 is hereby amended to read as follows:

"REINSURANCE. With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any subject of risk of which the total valuation has been fixed at over $500,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such subject of risk to $500,000, and during any fiscal year in which the State Fire and Tornado Insurance Fund amounts to less than $2,000,000, the Division of Insurance, with the approval of the Department of Finance, may reinsure any subject of risk of which the total valuation has been fixed at over $200,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such subject of risk to $200,000. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance."

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	C. S. Nabb
Bill Adams	Chester J. Holsclaw	Dr. C. E. Palmore
Edgar Arnett	W. M. Horn	James H. Polsgrove
Sidney Baer	Richard R. Houpt	Leonard W. Preston
Clarence J. Barnum	D. W. Howard	Hobart Rayburn
C. E. Baumgardner	Maurice G. Howard	Carl J. Ruh
Leonard T. Bean	Robert N. Hubbard	Roy Searcy
Thomas L. Britton	Silas Jacobs	Paul E. Shannon
J. D. Buckman, Jr.	Paul S. Jonas	James S. Shaw
Mrs. M. E. Burnett	Barkley Jones	Gus Sheehan, Jr.
Charles W. Burnley	William Jones	Forest Smith
Stanley Carter	Jesse H. Lawrence	Joseph T. Snapp
Paul Combs	Mrs. J. T. Linton	John M. Spauding
R. Josh Cosby	True Mackey	Roy Steers
G. I. Drury	Damon Majors	Raymond D. Stigall
C. A. Hammons	G. Lee McClain	Mrs. Thelma Stovall
James P. Hanratty	Jack McPherron	W. R. Stringer
George F. Harris	Alton Mitchell	Egbert V. Taylor
Paul E. Hayes	Archie R. Moore	Fred M. Warns
John A. Head	Emmett G. Moore	Harry Lee Waterfield
Harold G. Helm	Walter R. Moorman	Lyle H. Webb
William K. Henry	Fred H. Morgan	Charles W. Wirsch

—66

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House Recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

H. B. No. 441. AN ACT providing that in any county having a population of less than seventy-five thousand and in which the county clerk shall have had the bond required of him by law executed by an incorporated surety company, the county clerk shall, in certain instances, have a claim against the state for the amount of the premium paid by him.

Which was reported from the Senate on March 13, 1950, with an amendment to said bill by way of substitute therefor as proposed and adopted by the Senate.

(For bill see March 7, 1950, ante)

(For amendment to said bill by way of substitute therefor as proposed and adopted by the Senate see House Journal March 13, 1950, ante)

Mr. Hanratty moved that the House do now concur in said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon said amendment to said bill by way of substitute therefor was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constituion were as follows, viz:

Those who voted in the affirmative were—

Clarence J. Barnum	W. W. Hollan	C. S. Nabb
C. E. Baumgardner	Chester J. Holsclaw	Leonard W. Preston
John D. Beatty	Richard R. Houpt	W. R. Reasor
Fred Beshear	D. W. Howard	Carl J. Ruh
L. E. Bradley	Maurice G. Howard	Amos Runyan
Charles J. Bronston	Robert N. Hubbard	LeRoy Saylor
Mrs. M. E. Burnett	Silas Jacobs	Roy Searcy
Charles W. Burnley	Barkley Jones	Forest Smith
Stanley Carter	James W. Lambert	Joseph T. Snapp
R. Josh Cosby	Jesse H. Lawrence	John M. Spaulding
Owen Deering	Mrs. J. T. Linton	Roy Steers
Thomas R. Duncan	A. L. (Chick) Love	Raymond D. Stigall
James P. Hanratty	True Mackey	W. R. Stringer
George F. Harris	Damon Majors	Egbert V. Taylor
Paul E. Hayes	Jack McPherron	Rev. T. H. Tinsley
John A. Head	Archie R. Moore	Fred M. Warns
Harold G. Helm	Emmett G. Moore	Harry Lee Waterfield
William K. Henry	Walter R. Moorman	Geo. F. Williamson
Ray Holbrook	Fred H. Morgan	Charles W. Wirsch

—57

There voted in the negative—

Edgar Arnett —1

Mr. Morgan moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 79. AN ACT relating to civil practice and procedure and particularly the code of practice in civil cases;

providing for a civil code committee; prescribing powers and duties of such committee and additional powers and duties of the State Revision Commission; and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For the purpose of improving civil practice and procedure in the courts of this Commonwealth, there is hereby created a committee denominated "The Civil Code Committee," composed of the Chief Justice of the Court of Appeals or a member of that Court designated by him, two (2) Circuit Judges, and four (4) members of the Kentucky State Bar Association; all those members except the representative of the Court of Appeals to be appointed by the Governor to serve for a term of two (2) years.

2. The Committee is authorized and directed to make a comprehensive study of the Kentucky Code of Practice in Civil Cases, and to formulate and execute such plans and policies for the simplification, clarification, and revision of the Code as may appear necessary and proper, including the transportation of general procedural rules from the Kentucky Revised Statutes to the Code and matters of substantive law from the Code to the Kentucky Revised Statutes; provided that the substantive rights of litigants shall not be abridged, enlarged, or modified.

3. The Statute Revision Commission is authorized and directed to secure and provide adequate facilities, services, and editorial assistance to enable the Committee to carry out the objects of this act.

4. The Committee, with the assistance of the Statute Revision Commission, shall prepare for submission to the next regular session of the General Assembly for legislative consideration and action its recommendations for a complete and revised Code of civil practice and procedure.

5. To carry out the purposes of this act, there is appropriated out of the General Expenditure Fund in the State

Treasury the sum of fifteen thousand ($15,000) dollars; which sum shall be available during the 1950-51 fiscal year and, without lapse, during the 1951-52 fiscal year, for the payment of actual necessary expenses incurred by The Civil Code Committee and the Statute Revision Commission in the performance of their functions prescribed by this act; same to be paid on vouchers approved by the Reviser of Statutes.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance wiht the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Charles J. Bronston	George F. Harris
Edgar Arnett	J. D. Buckman, Jr.	Paul E. Hayes
Sidney Baer	Mrs. M. E. Burnett	John A. Head
Clarence J. Barnum	Alex Calvert	William K. Henry
C. E. Baumgardner	Stanley Carter	Ray Holbrook
John D. Beatty	R. Josh Cosby	W. W. Hollan
Fred Beshear	Owen Deering	Chester J. Holsclaw
L. E. Bradley	James P. Hanratty	W. M. Horn

Richard R. Houpt	Emmett G. Moore	Joseph T. Snapp
Robert N. Hubbard	Fred H. Morgan	John M. Spaulding
Paul S. Jonas	C. S. Nabb	Roy Steers
Barkley Jones	James H. Polsgrove	Raymond D. Stigall
Jesse H. Lawrence	Leonard W. Preston	Mrs. Thelma Stovall
Mrs. J. T. Linton	Hobart Rayburn	W. R. Stringer
Harry K. Lowman	W. R. Reasor	Egbert V. Taylor
True Mackey	Carl J. Ruh	Rev. T. H. Tinsley
Damon Majors	Amos Runyan	Fred M. Warns
John Martin	Roy Searcy	Harry Lee Waterfield
G. Lee McClain	James S. Shaw	G. F. Williamson
Jack McPherron	Forest Smith	Charles W. Wirsch

—60

Those who voted in the negative were—

C. A. Hammons Maurice G. Howard —2

Resolved that the title thereof be as aforesaid.

Mr. Hayes moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

S. B. No. 23. AN ACT providing for fair trade minimum mark-up prices for the sale of malt beverages by retailers for consumption off the premises, and providing for enforcement through injunctive processes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. In order that fair trade practices may be observed in the retail sale of malt beverages, it is hereby provided that no holder of a malt beverage retailer's license may sell or offer to sell any malt beverage at retail, in the ordinary course of trade,

for consumption off the licensed premises, at a price less than twenty-five percent above the cost of such malt beverage to the retailer, which cost shall be deemed to consist of the actual price paid by the retailer to the brewer or distributor, inclusive of bottling charges and all other charges paid to the brewer or distributor, plus taxes and transportation charges.

Sec. 2. Any person who offers for sale or sells any malt beverage at less than the price required by Section 1 of this Act may be enjoined from further violations on application to the circuit court by any law enforcement officer or aggrieved person.

S. B. No. 121. AN ACT relating to tobacco.

Said bill is as follows, viz:

WHEREAS, the growing and marketing of tobacco produces for the farmers of Kentucky the largest cash income of any crop produced in Kentucky, and,

WHEREAS, more Burley tobacco is produced and marketed in Kentucky than in any other state, and the production and marketing of Burley tobacco is of vital economic importance to the citizens of Kentucky, and,

WHEREAS, under the Federal Agricultural Adjustment Act of 1938 as amended, the Congress of the United States has determined and declared that the public welfare requires that the production and marketing of tobacco should be regulated and quotas established in conformity with the provisions of said Act, and,

WHEREAS, the principal types of tobacco grown in Kentucky are Type 31 known as Burley tobacco, Types 22, 23, 24, 35, 36, and 37, known as Fire Cured and Dark Air-Cured tobacco, and,

WHEREAS, the above mentioned types of tobacco are the only types of tobacco grown in Kentucky which are under quotas, quota restrictions and support prices established pursuant to and in compliance with the acts of Congress and the regulations promulgated pursuant thereto, and,

WHEREAS, the classification of tobacco according to type, grade and other characteristics affects the price received therefor by the producers, and,

WHEREAS, uniform standards of type, grade and other characteristics needs to be established by law to prevent manipulation and evasion which if permitted would unreasonably and adversely affect the price received by tobacco growers in Kentucky to the detriment of such growers and to the detriment of the general welfare of the people of Kentucky, and,

WHEREAS, the classification of tobacco according to type, grade and other characteristics and the use and application of uniform standards of such classification and inspection are imperative for the protection of growers and the protection of public interest of the people of Kentucky, and,

WHEREAS, the growing, marketing and manufacture of tobacco constitutes one of the basic industries of Kentucky and stable conditions therein are necessary to the general welfare of Kentucky, and,

WHEREAS, the farmers producing tobacco are subject in their operations to uncontrollable natural causes and in many cases such farmers carry on their operations on borrowed money and upon leased lands, and,

WHEREAS, the growing in Kentucky of any type or variety or crosses of tobacco which is not grown or marketed under said quotas will jeopardize the profitable production of tobacco now being grown and marketed in Kentucky under and pursuant to quotas, support prices and other provisions of the Federal Agricultural Adjustment Act of 1938 as amended by creating or tending to create abnormally excessive supplies of tobacco, and

WHEREAS, the growing of tobacco in Kentucky of types or varieties other than those hereinabove specifically set forth reasonably may result in the adulteration and mixing of seeds which would adversely affect the growing of tobacco in Kentucky and the quality and marketability of the tobacco grown in Kentucky; and, the cross-pollination of other types or varieties of tobacco with the types hereinabove referred to reasonably may result in great and irreparable damage and loss of income to the farmers in Kentucky who grow the above mentioned types of tobacco, and,

WHEREAS, the foregoing recitals of fact having been found to be true by the General Assembly of the Commonwealth of Kentucky, now in order to protect the public interest and to protect and promote the general welfare of Kentucky, the General Assembly of the Commonwealth of Kentucky has determined that the following should be enacted into law.

NOW, THEREFORE, be it enacted by the General Assembly of the Commonwealth of Kentucky as follows, to-wit:

1. Definitions: When used in this Act "person" includes individuals, partnerships, associations and corporations, both singular and plural. "Tobacco" means tobacco in its unmanufactured form. "Type 31" means all types, crosses or varieties of tobacco known as Burley tobacco. "Types 22, 23, 24, 35, 36, and 37" shall mean the types presently known and recognized as Fire Cured and Dark Air-Cured tobacco.

2. Except as hereinafter in this Section provided, it shall be unlawful for any person to plant, raise, grow and market in Kentucky any type or variety of tobacco.

(1) Any person may plant, raise, grow and market in Kentucky Types 31, 22, 23, 24, 35, 36 or 37 or any one or more of said types to the extent of, but not in excess of, the quota acreage allotted to such persons by the United States Department of Agriculture, Production and Marketing Administration, through its local PMA Committee or Committees, under and pursuant to the provisions of the Federal Agricultural Adjustment Act of 1938 as amended and other applicable Acts of Congress and the rules and regulations with respect thereto. No permit need be obtained for the planting, raising, growing or marketing of said types of tobacco, or either of them, if grown and marketed within such authorized quotas. Each grower may rely upon the acreage measurement and the approval thereof made or accepted by the County PMA Committee having jurisdiction over such quotas and measurements.

(2) Except as provided in Subsection (3) of this Section, any person desiring to plant, raise, grow or market in Kentucky any type or variety of tobacco other than Types 31, 22, 23, 24, 35, 36, or 37, shall first apply to the Commissioner of Agriculture, Labor and Statistics, of the Commonwealth of Kentucky for and obtain a permit to plant, raise, grow or market in Kentucky any

other type or variety of tobacco. The Commissioner of Agriculture, Labor and Statistics, shall prepare appropriate forms for such applications which shall be furnished to any applicant upon request without cost. Upon the filing of such application, the Commissioner of Agriculture, Labor and Statistics, shall make or cause to be made such investigation as he deems necessary to determine (a) whether or not planting, raising, growing, or marketing of the type, types, variety or varieties of the tobacco proposed to be planted, raised, grown, or marketed in Kentucky may by cross-pollination or otherwise result in the adulteration of or the crossing with any of the aforesaid authorized Types of tobacco; (b) whether or not any of the seed produced from such other type, types, variety, or varieties of tobacco proposed by the applicant to be planted, raised, grown or marketed in Kentucky may inadvertently or otherwise become mixed through sale, gift, or otherwise with seeds of either Types 31, 22, 23, 24, 35, 36, or 37; and (c) whether or not planting, raising, growing or marketing in Kentucky of the type or types, variety or varities of tobacco proposed to be planted, raised, grown or marketed in Kentucky by the applicant may adversely affect the prices which may be received by growers in Kentucky of tobacco which is grown under quota restrictions and support prices established pursuant to and in compliance with the applicable Acts of Congress and the rules and regulations promulgated pursuant thereto.

If the Commissioner of Agriculture, Labor and Statistics, finds from the investigation which he makes or causes to be made that (a) neither the planting, raising, growing or marketing of the type, types, variety or varieties of the tobacco proposed to be planted, raised, grown or marketed by the applicant may by cross-pollination or otherwise result in the adulteration of and the crossing with any of the aforesaid authorized Types of tobacco; (b) any seed which may be produced from such other type, types, variety or varieties of tobacco proposed by the applicant to be planted, raised, grown or marketed in Kentucky will not inadvertently or otherwise become mixed through sale, gift or otherwise with seeds of either Types 31, 22, 23, 24, 35, 36, or 37; and, (c) the planting, raising, growing or marketing in Kentucky of the type, types, variety or varieties of tobacco pro-

posed to be planted, raised, grown or marketed in Kentucky by the applicant will not adversely affect the prices which may be received by growers in Kentucky of tobacco which is grown under quota restrictions and support prices established pursuant to and in compliance with the applicable Acts of Congress and the rules and regulations promulgated pursuant thereto, he shall issue to such applicant a permit authorizing the applicant to grow such type, types, variety or varieties. Unless he so finds, the application shall be denied and it shall be unlawful for any person to plant, raise, grow or market in Kentucky any such type, types, variety or varieties for which a permit is required by the provisions of this Act. The Commissioner of Agriculture, Labor and Statistics, in granting permits under this Section may impose upon the applicant such reasonable restrictions and requirements as he may deem necessary and proper to effectuate the intent and purpose of this Act.

(3) The College of Agriculture of the University of Kentucky and the Kentucky Experiment Station may grow or cause to be grown for experimental purposes only, any type, types, cross, crosses, variety or varieties of tobacco. Any such tobacco or tobaccos may be grown for experimental purposes upon lands owned by the Commonwealth of Kentucky or any of its Departments, Divisions, or agencies or by contract between the College of Agriculture of the University of Kentucky or the Kentucky Experiment Station and any reputable seed grower in Kentucky. The College of Agriculture of the University of Kentucky shall promulgate rules and regulations which shall be approved by the Board of Trustees of the University of Kentucky governing the supervision of the growing of such experimental types, crosses, or varieties of tobacco and said regulations shall make adequate provisions for preventing the cross-pollination, adulteration or crossing of any other types, crosses or varieties of tobacco with Types 31, 22, 23, 24, 35, 36, or 37, except for such experimental purposes and until it is determined by said College of Agriculture that such crossing will not adversely affect the aforesaid Types of tobacco. Said regulations shall further provide reasonable protection to prevent the seed from such other type, types, cross, crosses, variety or varieties of tobacco so grown for experimental purposes from inadvertently or other-

wise getting into the possession of unauthorized persons. Said regulations shall provide that all seed produced from any type, types, cross, crosses, variety or varieties of tobacco grown for experimental purposes by or under the supervision of said College of Agriculture or said Experiment Station shall be fully and carefully safe-guarded during the growth thereof and after the ripening and harvesting to prevent any probability of cross-pollination, mixing or adulteration with seeds of Types 31, 22, 23, 24, 35, 36, or 37, which might result in damage to or loss by producers of said Types of tobacco. All seed produced from such experimental type, types, cross, crosses, variety or varieties shall be delivered to the Dean of said College of Agriculture for safekeeping and shall be distributed by him or under his direction to such persons and in such manner as may be authorized by the Board of Trustees of the University of Kentucky.

3. All tobacco seed now held, possessed or controlled by the College of Agriculture of the University of Kentucky or the Kentucky Experiment Station, including any tobacco seed held or controlled by any and all officers and employees of said College of Agriculture and said Experiment Station, which will produce a type or variety of tobacco different from either Type 31, 22, 23, 24, 35, 36, or 37 shall be delivered to the Dean of the College of Agriculture of the University of Kentucky, who shall be responsible for the safe custody of said tobacco seeds and whose duty it shall be to see that no person obtains such seeds without the approval first obtained from the Board of Trustees of the University of Kentucky and then only for use as authorized or permitted under the terms and provisions of this Act. It shall be the duty of any person who now or hereafter, holds, possesses, or controls any such tobacco seed to deliver the same immediately to the Dean of the College of Agriculture of the University of Kentucky for custody and safekeeping as provided herein.

4. Any contract heretofore made or hereafter made which is in violation of any of the terms or provisions of this Act hereby is declared to be in violation of the public policy of the Commonwealth of Kentucky and provisions of any such contract which are in violation of any of the terms and provisions of this Act shall be void and unenforceable.

5. No type or variety of tobacco which may be grown in Kentucky in violation of any of the terms or provisions of this Act, or which heretofore has been grown in Kentucky which if grown after the effective date of this Act would be in violation of any of the terms or provisions of this Act, shall ever be considered in the establishment of an historic base or otherwise considered as a basis or reason for increasing the quota which any grower of tobacco now or hereafter may be entitled to receive for the growing of either or types 31, 22, 23, 24, 35, 36 or 37. It shall be unlawful for any person to receive any increased tobacco base or allotment for any farm in Kentucky for the growing or marketing of any of said types of tobacco on account of or by reason of having grown any type or variety of tobacco the planting, raising, growing or marketing of which was or is in violation of the terms and provisions of this Act.

6. Any person who violates any of the terms or provisions of this Act shall be guilty of a felony and upon conviction shall be fined not less than $1000 nor more than $10,000 or confined in the state penitentiary for not less than one year nor more than five years, or both so fined and imprisoned in the discretion of the jury. Any person convicted under any of the provisions of this Act shall forever be illegible to hold any public office or public employment in Kentucky.

7. It shall be the duty of each County Attorney, each Commonwealth's Attorney, and the Attorney General of the Commonwealth of Kentucky, to enforce, all and singular, the provisions of this act.

8. In addition to the penalties hereinabove in this Act provided, any person who grows any tobacco in the Commonwealth of Kentucky in violation of this Act shall be subject to a penalty of 50c per pound for each and every pound of tobacco grown in violation of the provisions of this Act. (The penalty of 50c per pound in this Section provided shall be construed to apply to tobacco after it has been grown, cured and stripped ready for market.) Any citizen or tobacco grower in Kentucky may institute and maintain appropriate action or actions in any court in this Commonwealth having jurisdiction to (1) enforce the payment of the penalties provided by this Section of this Act, and (2) to enjoin and restrain any person from violating any of the provisions of this Act. In any action instituted by any

citizen or tobacco grower in this state under the provisions of this section, it shall be the duty of the Court upon a showing that the person accused has violated or is about to violate the provisions of this Act, to issue an injunction requiring the accused to cease and desist from any violation of any of the terms and provisions of this Act and no bond shall be required as a condition precedent to the issuance of any such injunction. Any penalties recovered under provisions of this Section or under provisions of the next preceding Section shall be paid into the State Treasury and shall be credited to the revolving fund or revolving funds of the Department of Agriculture, Labor and Statistics of the Commonwealth of Kentucky. In addition to the duties heretofore imposed by the provisions of this Act upon the County Attorneys, Commonwealth's Attorneys and the Attorney General with respect to the enforcement of the provisions of this Act, it shall be the duty of the Commissioner of Agriculture, Labor and Statistics, to obtain and furnish to the aforesaid law enforcement officers all available evidence which may be obtained by him with respect to any violation of any of the terms or provisions of this Act.

9. In addition to the penalties hereinabove in this Act provided, any corporation that violates any of the provisions of this Act shall have its charter revoked, if it be a domestic corporation, and if it be a foreign corporation, its license or qualification to do business in Kentucky shall be revoked.

10. It shall be unlawful for any warehouse in Kentucky knowingly to receive, store, or sell or permit to be stored or sold upon its floors, any tobacco grown in Kentucky in violation of any of the provisions of this Act. Any warehouse or warehouseman who violates any of the provisions of this Act shall be subject to the penalties hereinabove provided in Section 6 of this Act. In addition thereto, the license of such warehouse shall be revoked and canceled and such warehouse, if a domestic corporation, shall have its corporate charter revoked, and if a foreign corporation, its license to do business in Kentucky shall be revoked.

11. The sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential inducement; and it is the intention of the General Assembly that if any one or more of these sections, clauses, sentences, or parts of this Act shall be adjudged invalid or inoperative, such judgment shall not

invalidate the remaining provisions of this Act, but shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the applicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not affect the applicability or validity in any other instance, or the validity or application of any other part or provision of the Act. It is hereby declared that the remainder of the Act would have been enacted despite the invalidity or applicability of any such section, clause or part.

12. Whereas, tobacco seeds are now held by persons in Kentucky which may be distributed in violation of the terms and provisions of this Act and in violation of the public policy of this Commonwealth as set forth in this Act, and,

Whereas, tobacco plantbeds which would be in violation of the provisions of this Act may be sown at an early date, and,

Whereas, contracts which would be in violation of this Act may be entered into, it is deemed by the General Assembly of the Commonwealth of Kentucky that an emergency exists and hereby is declared and this Act shall become effective immediately upon its passage and approval by the Governor.

S. B. No. 264. AN ACT authorizing the acquisition, construction, maintenance, extension, improvement and operation of natural, artificial or combined systems for the manufacture or distribution of natural or artificial gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1—*Definitions.* As used in this Act, unless the context requires otherwise:

(1) "System" or "project" means any lands, buildings or structures, works or facilities suitable for and intended for use as public property for either a natural, artificial or combined natural and artificial gas system for distribution or manufacture and distribution of gas, as well as improvements or additions to any such lands, buildings, structures, works or facilities.

(2) "Municipal corporation" means a city of any class or a district outside of an incorporated city created and organized as hereinafter in this Act provided for.

(3) "Governing body" means the legislative body of a city or the commissioners of a district, as the case may be.

Section 2—*Creation of gas district; notice; procedure.* A gas district may be created in any county outside the corporate limits of a city in the following manner:

(1) Any county court, upon petition of seventy-five (75) resident freeholders of the proposed district, may establish a gas district and appoint gas commissioners for the purpose of furnishing a gas supply to the citizens of the district. The petition shall describe the territory intended to be included in the district and shall set forth the reasons why such a district would be economically sound and needed by the residents thereof.

(2) When the petition has been filed, the court shall give notice of the filing by publication in two issues of a newspaper of general circulation in the county where the proposed district is located and by posting notices in at least three public places in the proposed district. Within thirty days after the publication and notice, any resident of the proposed district may file objections to its creation in the county court; whether or not such objections are filed, the court shall set the case for hearing within ten days after the end of such thirty-day period. If the court, after hearing, finds that the establishment of such district is reasonably necessary for the convenience and comfort of the residents and is economically feasible, it shall make an order establishing the district and designating it by name, which shall be "_____ Gas District of _____ County, Ky."

(3) In said order, the court may strike off any part of the territory that the testimony shows will not be benefited by the creation of the district or in which the project will not be economically feasible. If the court finds that the district is not necessary, it shall dismiss the petition. Either party may thereupon appeal from the order of the county court to the circuit court, where a trial shall be had de novo, and from such trial either party may appeal to the Court of Appeals, as provided in other cases.

Section 3—*Gas district commissioners; organization; term; bond; vacancy; salary.* (1) After the county court has entered an order creating a gas district, the court shall appoint three gas district commissioners from among the residents of the district. A commissioner who moves his residence outside the district shall automatically vacate his office. In the event that the territory of the gas district overlaps the territory of any other district

created pursuant to law, it shall not be considered an incompatible office if a gas district commissioner is also the commissioner of some other overlapping district. One of the commissioners originally appointed shall be appointed for a term of two years, one for a term of three years and one for a term of four years. Thereafter, their successors shall be appointed for terms of four years. The commissioners shall elect from their membership a chairman, a secretary and a treasurer.

(2) The commission shall be a body corporate for all purposes, and may make contracts for the district with municipalities or other business organizations or individuals for a gas supply. It may prosecute and defend suits in its corporate name and do all acts necessary to carry on its work.

(3) Each commissioner shall execute a bond, to be approved by the county court, in the amount of One Thousand Dollars ($1,000.00) and shall be sworn faithfully to perform the duties of his office. The treasurer of the commission shall, in addition to the bond required of him as a commissioner, make an additional bond to the commission in the amount of Five Thousand Dollars ($5,000.00). All employees of the district handling any of its funds shall furnish bonds with good surety in amounts to be fixed by the commission to insure faithful performance of their duties. Premiums for surety bonds shall be borne by the district as operating expenses of the system.

(4) Vacancies in any office of commissioner shall be filled by the county court.

(5) Each commissioner shall receive a salary for his services of not less than Two Hundred Dollars ($200.00) nor more than Six Hundred Dollars ($600.00) per annum, to be fixed by the commission subject to the approval of the county court and paid out of gas district moneys as an expense of operating the system. It shall be the treasurer's duty to pay out the funds of the commission either upon presentation of warrants signed by the chairman and countersigned by the secretary or upon approval of the charge by the full commission. The treasurer shall receive no additional compensation for his services.

(6) The district commissioners may appoint a competent superintendent for the system, who shall be subject to the orders of the commission. Such superintendent, with the approval and consent of the commissioners, may employ all necessary labor

and assistants in the performance of his duties and shall report to the commission, at such regular periods as may be required by it, all income and expenses of the system. The salary of the superintendent and other employes shall be fixed by the commission and paid as other salaries provided for in this Act.

(7) Any commissioner may be removed by the county court after public hearing only for misfeasance or non-feasance in office, after written charges served upon the accused commissioner not less than one week before the date of the hearing, at which he shall have the right to be represented by counsel to confront witnesses and to examine or cross-examine them. Any commissioner so removed shall have the right to appeal to the circuit court on the record made in the county court, and thence to the Court of Appeals.

Section 4—*Change of districts; procedure.* The territorial limits of an established gas district may be enlarged or diminished in the following manner:

(1) The commission shall file a petition with the county court, describing the territory to be annexed or stricken off, and setting forth the reasons therefor.

(2) Notice of the petition shall be given by the publication in one issue of a newspaper of general circulation in the county and by posting copies of such notice in three public places within the district and within the area to be annexed or stricken. Within thirty days after the publication of such notice, any resident of the gas district or the territory proposed to be annexed or stricken may file objections in the county court.

(3) Whether or not any objections are filed, the county court shall set the matter for hearing within ten days after the aforesaid thirty-day period has expired, and if the court finds that it is reasonably necessary, the court shall enter an order annexing or striking off the territory in question. If the court finds that the proposed change is unnecessary, it shall dismiss the petition. Either party may appeal to the circuit court, where the matter shall be heard de novo, and from the circuit court to the Court of Appeals, as provided by law.

Section 5—*Operation and management of system owned by city; gas commission.* (1) Any city, constructing or acquiring a gas system under the provisions of this Act shall, by ordinance, provide for the operation of the system under the direction of a

commission created for that purpose. The commission shall have absolute control of the plant in every respect, including its operating and fiscal management and the regulation of rates, except that in fixing rates, the commission shall be governed by the provisions of Section 12 of this Act and by any ordinance enacted under that Section. The commission shall provide rules for the management of the system. Out of the revenues of the system, it shall pay operating expenses, repairs and necessary additions and provide sufficient reserve fund against any emergency that may arise. The commission shall, from time to time, pay to the city the surplus revenue derived from the operation of the plant after the bonds issued to finance the same have been paid and retired.

(2) Except as provided in KRS 61.070, no person shall be appointed a member of the commission who has, within the last two years before his appointment, held any city, county, state or federal office, or been a member of any committee of any political party, or who is related within the third degree to the mayor or a member of the city governing body. The commission shall not appoint to any subordinate office that it may create any person who is related to any commissioner, to the mayor or to any member of the city governing body. No officer or employee of the city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of said commission or to be employed by the commission in any capacity. The members of the commission shall be citizens, taxpayers and legal voters of the city and shall not at the time of appointment be indebted to the city or be surety on the official bond of any officer of the city. If at any time during the term of office, any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership on the commission and another person shall be appointed in his place.

(3) The city governing body shall fix the salary to be paid each member of the commission at a sum not to exceed Fifteen Hundred Dollars ($1500.00) in cities of the first class, Twelve Hundred Dollars ($1200.00) in cities of the second class, Nine Hundred Dollars ($900.00) in cities of the third class, Six Hundred Dollars ($600.00) in cities of the fourth class and Four Hundred Dollars ($400.00) in the cities of the fifth and six classes.

(4) The first commissioners appointed under this Section shall be appointed one for the term of one year, one for the term

of two years and one for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

Section 6—*Legal adviser; compensation.* (1) The city attorney, in the case of cities, shall act as legal adviser and counsel to the city in connection with legal services required in the issuance of bonds to finance the system or its operation; provided that the governing body of such city may authorize the commission to employ and pay other legal counsel to perform services in connection with the bond issue or the operation of the system, in the discretion of said governing body.

(2) A legal adviser and counsel to the gas district shall be employed by the district commission. He shall handle all legal business of the commission. Said counsel shall be compensated from funds of the gas district as determined by resolution of the commission. Legal services rendered to the district in connection with its creation shall be paid for in a reasonable amount by the commission, as shall be authorized by resolution.

Section 7—*Jurisdiction of Public Service Commission; application of other laws.* (1) Every city or district which proposes to construct or acquire a gas system under the provisions of this Act shall be subject to the general supervision of the Public Service Commissioner and all the provisions of KRS 278.010 to 278.450.

(2) In determining fair, just and reasonable rates for the services rendered or to be rendered by the system, the Public Service Commission shall give full consideration to the amount of revenue required to retire any proposed or outstanding revenue bonds issued to finance the acquisition or construction of the system and to maintain adequate operation, maintenance and depreciation funds therefor.

Section 8—*Power of municipal corporation to acquire or develop gas system and issue revenue bonds.* A municipal corporation, acting separately or jointly with one or more of any such corporations, may acquire, construct, maintain, add to and

improve any gas system, as defined in Section 1 hereof, which system may be located within or without or partly within and partly without the territorial limits of such municipal corporation (except in the case of gas districts, in which the entire system shall be located within the district; provided that gas districts may build mains outside the district for the purpose of obtaining a supply of gas). For the purpose of defraying the cost thereof, the municipal corporation may borrow money and issue negotiable revenue bonds pursuant to a resolution or ordinance of its governing body, which resolution or ordinance shall set forth the proposed project, amount of revenue bonds to be issued and the maximum rate of interest to be paid thereon. Such resolution or ordinance shall provide that the project is being undertaken under the provisions of this Act.

Section 9—*Interest rate and maturity of bonds; leasing of project; acceptance of donations and Government aid.* (1) The bonds may be issued to bear interest at a rate not to exceed six per cent per annum, payable either annually or semi-annually, and shall be executed in such manner and be payable at such times, not exceeding thirty years from the date thereof, and at such place or places as the governing body of the municipal corporation determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity under conditions fixed by such governing body before issuing the bonds.

(3) Any municipal corporation is authorized to rent or lease such project or any portion thereof to any persons, partnerships, associations or corporations, either public or private.

(4) Any municipal corporation is hereby empowered to accept donations or gifts to the project from any source and to accept appropriations and grants to the project from the Federal Government or any agency thereof and appropriations from the State or any county, city or other political subdivision thereof and, at the option of the municipal corporation, to pledge such donations, gifts or appropriations to the cost of the project or the payment of revenue bonds issued to finance such costs.

Section 10—*Bonds negotiable and tax free; method of sale; interest yield; payable solely from revenue; lien.* Bonds issued pursuant to this Act shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature

appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the municipal corporation deems best, or any contract for the acquisition of a project may provide that the payment shall be made therefor in such bonds. In no event shall any bonds be issued on a basis to yield more than six per cent, except as provided in subsection (2) of Section 9 of this Act. The bonds shall be payable solely from the revenue derived from the project and shall not constitute an indebtedness of the city or district within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this Act and that it does not constitute an indebtedness of the municipal corporation within the meaning of the Constitution. A statutory mortgage lien shall exist upon the system, its appurtenances and extensions acquired under this Act in favor of the holders of the bonds and coupons.

Section 11—*Application of proceeds of bonds.* All money received from the bonds shall be applied solely for the acquisition, construction, maintenance or improvement of the project, and the necessary expense of preparing, printing and selling said bonds, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds.

Section 12—*Receiver.* If there is any default in the payment of principal of or interest on any bond, any court having jurisdiction of the action may appoint a receiver to administer the project on behalf of the municipal corporation, with power to charge and collect rents, fees, rates and charges and to receive any other available revenue sufficient to provide for the payment of any bonds or obligations outstanding against the project and for the payment of operating expenses, and to apply the income and revenue in conformity with this Act and the orders, resolution or ordinance referred to in Section 8 hereof.

Section 13—*Maintenance, operating and depreciation funds; rentals, rates and charges.* (1) At or before the issuance of bonds, the governing body of the municipal corporation shall, by resolution or ordinance, set aside and pledge the income and revenue of the project, including rents, fees and proceeds of sales of

property and from rents and charges for services derived from or rendered by the project, into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The resolution or ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the project.

(2) The rents, fees, rates and charges for the services rendered or gas sold by the project shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds, to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the project and an adequate depreciation account.

Section 14—*Transfer of surplus to depreciation account or bond redemption.* If a surplus is accumulated in the operation and maintenance funds equal to the cost of maintaining and operating the project during the remainder of the operating or fiscal year, and during the succeeding like year, then any excess over such amount may be transferred at any time by the governing body of the municipal corporation to the depreciation account, to be used for improvements, extensions or additions to the project; or if the funds in the depreciation account are deemed to be adequate, all or any part of such excess may be transferred to the separate and special fund maintained for the payment of bonds and interest thereon and used to redeem bonds at the earliest permissible date. Provided, however, that in the case of a project operated by a city, such transfer shall be made only if recommended in writing by the commission operating the project pursuant to Section 5 of this Act.

Section 15—*Expenditure and investment of depreciation fund.* The funds accumulated in the depreciation account shall be expended in balancing depreciation in the project or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the governing body of the municipal corporation may designate, and if invested, the income from such investment shall be carried into the depreciation account.

Section 16—*Refunding bonds.* The governing body of the municipal corporation may issue new bonds to provide funds for the payment of any outstanding bonds in accordance with the procedure prescribed in this Act. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

Section 17—*Additional bonds.* If the governing body of the municipal corporation finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner, and the ordinance or resolution authorizing the issuance of the original bonds may provide that such additional bonds shall rank on a parity with such original bonds upon such conditions and limitations as may be particularly set forth in said ordinance or resolution.

Section 18—*Bonds for extensions and improvements.* Any governing body of a municipal corporation acquiring any public project pursuant to the provisions of this Act may, at the time of issuing the bonds for acquisition, provide for additional bonds for extensions and permanent improvements, to be placed in escrow and to be negotiated from time to time as proceeds for the purpose may be necessary. Bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue. Additional bonds may be issued at a later time for the acquisition or construction of additions and extensions to the project, as provided in Section 17 of this Act, which bonds shall be junior and shall constitute a junior lien on the revenues of the project.

Section 19—*Use of general funds or revenues for public project.* The governing body of a city may use, for the purpose of acquiring, constructing, maintaining, extending or improving a project, or for the payment of interest or principal on any revenue bonds issued pursuant to this Act, any funds or tax revenues available for general purposes of the city and not required by law to be devoted to some other purpose.

Section 20—*Condemnation.* In the event a municipal corporation is unable to acquire, by purchase or agreement, any real property deemed necessary for the purposes of a project, such municipal corporation may acquire the same by condemnation. The procedure for condemnation shall be as provided in KRS 416.010 to 416.080, or as provided in KRS 416.120, whichever procedure is selected by the municipal corporation.

Section 21—*Procedure in event of annexation of county or district territory by incorporated city or town; operation; payment.* In the event that any territory which is occupied by a district gas system is annexed in whole or in part by any incorporated city owning a municipal gas system, such annexation shall in no way affect the operation of the system or the payment of bonds and interest thereon issued to finance the system; provided, however, that such city may pay to such district a sum sufficient to retire all bonds, including redemption premiums therefor and interest thereon, which would have been payable from the revenues of that portion of the system annexed by the city if the district had continued to operate the system. In the event that the city make such payment to the district, the city shall then operate and maintain the gas service to all consumers served by the lines lying within the territory annexed by the city. In the event that the city fails to make such payment to the district and the district continues to operate its gas system, then, after the entire issue of bonds, including renewals and extensions thereof, issued to finance the system have been paid and retired, the city shall have the right to incorporate that portion of the system lying within the area annexed by it into its municipally owned system, without cost, upon the city's agreement to fulfill all of the district's obligations to gas consumers on the lines incorporated into the city system.

Section 22—*Letting of work; notice; procedure; bid bond.* Any leases for the operation of the system, any contracts for acquisition of existing gas properties or any contracts for construction under the provisions of this Act shall be entered into only in the following manner:

The governing body of the municipal corporation shall give notice of its proposed action in a newspaper of general circulation in the county where the improvement is located at the time and place of entering into the contract. In such notice, said governing body shall specify sufficient details of the proposed lease or contract so that prospective bidders and the public generally will be put on notice of the proposals of the governing body. On the date appointed for the letting of the contract, the governing body of the municipal corporation shall convene and let the contract to the most responsible bidder on terms most advantageous to the municipal corporation. The governing body may let the

contract in whole or in part, in its discretion, or may reject any or all bids and readvertise if, in its judgment, the interest of the municipal corporation will be better served by doing so. Each bidder may be required to execute a bid bond or submit a certified check payable to the municipal corporation in an amount fixed by its governing body to assure that the bidder will enter into a contract with the municipal corporation if his bid is accepted. The successful bidder shall be required to enter into a contract with the municipal corporation and, in the case of construction work, to execute a bond for the faithful performance of the contract, with adequate sureties, in favor of the municipal corporation in an amount equal to at least fifty per cent of the estimated cost of the work awarded to him.

Section 23—Exemptions. Nothing in this act shall be deemed to effect the sale, distribution, installation or servicing of gas in pressure containers.

Section 24—Repeal of conflicting acts; general repeal; constitutionality. Chapter 68 of the Acts of the 1946 General Assembly of Kentucky, Codified as KRS 96.541 to 96.546, inclusive, providing for the construction or acquisition of an artificial gas system by cities of any class is hereby repealed. All Acts or portions of Acts in conflict with the provisions of this Act are hereby, to the extent of such conflict, repealed. If this Act shall be held to be unconstitutional in any part, the unconstitutionality of such portion shall not be held to invalidate the entire Act.

Ordered that said bills be printed and referred to the Committee on Rules.

The message which was received from the Senate also announced that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 57. AN ACT relating to the State Fair Board, amending Section 247.110 of the Kentucky Revised Statutes.

H. B. No. 159. AN ACT authorizing cities to lease space on parking meter posts for purposes of advertising, and providing for disposition of the proceeds realized therefrom.

H. B. No. 211. AN ACT relating to the preparation and dissemination of information concerning roads and highways in the Commonwealth.

H. B. No. 241. AN ACT relating to expense accounts of state officers and employees.

H. B. No. 243. AN ACT relating to the manner of letting contracts for materials, supplies and equipment: Advertisement.

H. B. No. 244. AN ACT relating to the number of copies of journals and acts to be printed.

H. B. No. 245. AN ACT relating to rates for composition for public printing.

H. B. No. 262. AN ACT relating to barbiturates.

H. B. No. 367. AN ACT relating to powers of attorney, repealing, amending and re-enacting Section 382.370, Kentucky Revised Statutes, and fixing a penalty for the violation thereof.

H. B. No. 268. AN ACT relating to planning and zoning Commissions in Cities of the first class and Counties containing such Cities.

H. B. No. 280. AN ACT relating to revenue and taxation.

H. B. No. 285. AN ACT relating to revenue and taxation.

H. B. No. 284. AN ACT relating to revenue and taxation.

H. B. No. 294. AN ACT amending Section 44.050 of Kentucky Revised Statutes, relating to the purchase and use of motor passenger vehicles out of state funds.

H. B. No. 366. AN ACT relating to Petty Cash Funds of State Budget Units.

H. B. No. 370. AN ACT relating to revenue and taxation.

H. B. No. 371. AN ACT relating to timberland assessments.

H. B. No. 374. AN ACT regulating vehicles when overtaking or meeting a stopped school bus.

H. B. No. 375. AN ACT relating to the speed of vehicles and providing penalties.

H. B. No. 376. AN ACT relating to condemnation of property and interests in property for flood control, flood protection or drainage purposes.

H. B. No. 382. AN ACT relating to warrants drawn on the State Treasurer.

H. B. No. 398. AN ACT relating to and providing for the payment of prior year claims against the State.

H. B. No. 412. AN ACT amending Sections 262.030, 262.040, 262.070, 262.090, 262.095, 262.150, 262.200, 262.220 and 262.240 of the Kentucky Revised Statutes, relating to the State

Soil Conservation Committee and Soil Conservation Districts; and declaring an emergency to exist.

Ordered that said bills be delivered to the Enrolling Clerk of the House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 104. AN ACT relating to the publication and distribution of the opinions of the Court of Appeals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (7) of Section 57.140 of the Kentucky Revised Statutes is amended to read as follows:

(7) The Acts, the journals of each house of the General Assembly, the report of the Commissioner of Agriculture, Labor and Statistics, and one hundred copies of the Governor's message, shall be bound. All other printed matter shall be only stitched, unless otherwise specially ordered.

Sec. 2. Section 57.290 of the Kentucky Revised Statutes is amended to read as follows:

All books printed for the state shall be delivered to the State Librarian and distributed by him. The Librarian shall prepare for each county, a package containing the Acts of the General Assembly and the journals of each house, with a list of the persons entitled to receive them, and send one package in the most inexpensive manner to the circuit clerk of each county, who shall distribute the books to those entitled to them. The Librarian shall not in any year pay more than one thousand dollars for the distribution of such books.

Sec. 3. Section 57.320 of the Kentucky Revised Statutes is amended to read as follows:

The State Librarian under direction of the Court of Appeals, shall purchase bound volumes and advance sheets of the opinions of the Court of Appeals and furnish them for the use of the Court of Appeals, each county law library, and each judge of a circuit court of continuous session.

Sec. 4. Section 57.350 of the Kentucky Revised Statutes is amended to read as follows:

If any county court house containing the law library is destroyed by fire, the State Librarian shall, upon receipt of the affidavit of the county judge showing the loss, furnish to the county Acts of the General Assembly, journals of the House of Representatives and Senate, and bound volumes of the opinions of the Court of Appeals.

Sec. 5. Section 447.080 of the Kentucky Revised Statutes is amended to read as follows:

The State Property and Buildings Commission shall provide the commission with suitable office space convenient to the State Law Library. The State Librarian shall furnish the commission with the bound volumes and advance sheets of the opinions of the Court of Appeals as published.

Sec. 6. Section 171.100 of the Kentucky Revised Statutes is amended to read as follows:

The State Librarian shall arrange with the proper official of each state of the United States and of the United States and its territories for the exchange of the Acts of the legislatures of each state and of Congress. When an exchange is agreed upon, the State Librarian shall send to such officer one copy of the Acts of the General Assembly as soon as it is ready for distribution. If the Acts of those states or the United States are not promptly sent to the State Librarian, as fast as issued, he shall write for them. The State Librarian shall keep a record of all books sent and received under this section, which record shall be for the use of the Court of Appeals on directing purchases.

Sec. 7. Section 21.260 of the Kentucky Revised Statutes is amended to read as follows:

The Court of Appeals, the Chief Justice being chairman, shall constitute a board of Commissioners for the purpose of having the opinions of the Court published, in such manner and by such means as the board in its discretion may determine. There shall be no copyright of the opinions.

Sec. 8. Sections 21.250, 21.270, 21.280, 21.290, 21.300, 21.310, 21.320 and subsection (3) of Section 57.150 of the Kentucky Revised Statutes and Section 766 of the Civil Code of Procedure are repealed.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Paul E. Hayes	C. S. Nabb
Edgar Arnett	John A. Head	James H. Polsgrove
Sidney Baer	Harold G. Helm	Leonard W. Preston
Clarence J. Barnum	William K. Henry	Hobart Rayburn
C. E. Baumgardner	Woodrow W. Hollan	W. R. Reasor
John D. Beatty	Richard R. Houpt	Amos Runyan
Fred Beshear	Robert N. Hubbard	LeRoy Saylor
L. E. Bradley	Silas Jacobs	Roy Searcy
J. D. Buckman, Jr.	Jesse H. Lawrence	Joseph T. Snapp
Mrs. M. E. Burnett	Mrs. J. T. Linton	John M. Spaulding
Charles W. Burnley	A. L. (Chick) Love	J. Claude Stacy
Alex Calvert	Harry K. Lowman	Roy Steers
Stanley Carter	True Mackey	Raymond D. Stigall
R. Josh Cosby	Damon Majors	Mrs. Thelma Stovall
Owen Deering	G. Lee McClain	W. R. Stringer
Thomas R. Duncan	Jack McPherron	Egbert V. Taylor
C. A. Hammons	Archie R. Moore	Rev. T. H. Tinsley
James P. Hanratty	Walter R. Moorman	Ralph N. Walter
George F. Harris	Fred H. Morgan	Fred M. Warns

—57

Those who voted in the negative were—

Henry C. Hale	Dr. C. E. Palmore	Harry L. Waterfield
Maurice G. Howard	Forest Smith	Lyle H. Webb
James W. Lambert		

—7

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 178. AN ACT to regulate practical nursing including provision for licensing the practice of practical nurses and for the approval of schools of practical nursing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS.

a. "A practical nurse" is a person who performs such nursing service as prescribed by a licensed physician, requiring a knowledge of simple nursing procedures but not requiring the professional knowledge and skills required for professional nursing. This Act shall not affect or apply to nursing of the sick, either gratuitously or for compensation by a member of the family, or to a person nursing the sick who does not in any way assume or hold himself out to be a Licensed Practical Nurse.

b. "Board" means the State Board of Examiners of Trained Nurses, or a board which would succeed to its function.

Section 2. PRACTICAL NURSE

Qualification of applicant for license as practical nurse. An applicant for a license to practice as a licensed practical nurse shall submit to the Board satisfactory evidence that the applicant is at least eighteen (18) years of age, is a citizen of the U. S., or has legally declared intention of becoming a citizen of the U. S., is of good moral character, is of good physical and mental health, has completed at least one year of high school or its equivalent, and such other preliminary qualification requirements as the board may prescribe; and has successfully completed the prescribed curriculum in a School of Practical Nursing which school is approved by the board and holds a diploma or certificate therefrom, or presents such other qualifications as shall be deemed

acceptable by the board. For a period of two (2) years after the effective date of this act, applicant shall be eligible to apply for a license as a licensed practical nurse without meeting the above qualifications, provided; that he shall satisfy the board, that he is qualified to practice practical nursing.

Section 3.

Board to hold Examination. The board shall meet for the purpose of conducting examinations at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two newspapers in general circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of Practical Nursing in this State at least thirty days before the meeting.

Section 4.

Assistant Board of Practical Nurse Examiners. After the first licensing period, the board shall appoint an assistant Board of Practical Nurse Examiners to assist the board in carrying out the purpose of this Act. The assistant Board of Practical Nurse Examiners shall consist of three Licensed Practical Nurses who have been selected by the board from a list of three names submitted by the Kentucky State Association of Practical Nurses for each appointment. The term of each applicant shall be for a period of three years each, providing, however, for the first appointment, one shall be for a period of three years, one for two years and one for one year.

Section 5.

a. License by examination. The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

b. Without examination. The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar

services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this State.

Section 6.

a. Board to sign certificate. Every license issued by the board shall be signed and have the seal of the board affixed. A licensee shall be prepared to exhibit his license or a certified copy of it whenever required.

b. Fee. The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of $5.00 to the board. All fees received by the board and collected under this Act shall be deposited with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the Revolving Fund of the board. The fund shall be held subject to the order of the board, and to be used for meeting necessary expenses incurred in the performance of the purpose of this Act and the duties imposed thereby as well as the promotion of practical nursing education and standards of practical nursing care in the State.

Section 7.

Title and abbreviation. Any person who holds a license to practice as a licensed practical nurse in this State shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L. P. N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

Section 8. RENEWAL OF LICENSE: LAPSE

a. The license of every person licensed under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the

renewal fee of $2.00 before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing year. Such certificate of renewal shall render the holder a legal practitioner of nursing for the period stated on the certificate of renewal. The board shall prescribe by regulation the beginning and ending of the license year.

b. Any licensee who allows his license to lapse by failing to renew the license as provided for above may be reinstated at the discretion of the board and the payment of fees in arrears.

Section 9. SCHOOLS OF PRACTICAL NURSING

Approval: Survey of. An institution desiring to conduct a school of practical nursing shall apply to the board and submit evidence that it is prepared to carry out the prescribed basic curriculum in practical nursing, and that it is prepared to fulfill other requirements of standards which are established by this law or by regulations of the board.

A survey of the institution applying for a School of Practical Nursing shall be made by an authorized employee of the board who shall submit a written report to the board. If, in the opinion of the board, the requirements for a school are met, the board shall approve the school as a School of Practical Nursing. No person shall operate a School of Practical Nursing without complying with the provisions of this section.

From time to time as deemed necessary by the board, it shall be the duty of the board, to survey all schools of Practical Nursing in the State. If the board determines that any school is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of Practical Nursing.

Section 10. DISCIPLINARY PROCEEDINGS

Grounds for Discipline. The board shall have power to deny, revoke or suspend any license to practice practical nursing

issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person is: Guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime or gross immorality; unfit or incompetent by reason of negligence, habits or other causes; habitually intemperate or addicted to the use of habitforming drugs; mentally incompetent; guilty of unprofessional conduct or has wilfully or repeatedly violated any of the provisions of this Act.

Section 11.

Suspension: denial: revocation proceedings: Practical nurse of: In all proceedings for suspension or revocation the licensee shall be furnished with a copy of the charges and shall be given at least thirty days to prepare defense. The person charged shall be heard by the board in person or by counsel or both, as may be desired. The presiding officer of the board may administer the oath in any matter arising in the course of the duties. In the hearing the board may take oral or written proof for or against the aggrieved person.

Section 12. VIOLATION OF ACT, PENALTIES

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the board in applying for a license shall be fined not more than five hundred dollars.

Section 13. EFFECTIVE DATE

This Act shall take effect July 1, 1950.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Chester J. Holsclaw	Hobart Rayburn
Clarence J. Barnum	W. M. Horn	Carl J. Ruh
C. E. Baumgardner	Richard R. Houpt	Amos Runyan
Fred Beshear	Maurice G. Howard	Dr. Roy Sanders
Charles J. Bronston	Robert N. Hubbard	LeRoy Saylor
J. D. Buckman, Jr.	Paul S. Jonas	Roy Searcy
Mrs. M. E. Burnett	Barkley Jones	Paul E. Shannon
Charles W. Burnley	Jesse H. Lawrence	Forest Smith
Alex Calvert	Mrs. J. T. Linton	John M. Spaulding
Stanley Carter	Homer E. Losey	Raymond D. Stigall
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
Thomas R. Duncan	Damon Majors	W. R. Stringer
Henry C. Hale	Alton Mitchell	Egbert V. Taylor
James P. Hanratty	Archie R. Moore	Rev. T. H. Tinsley
George F. Harris	Walter R. Moorman	Ralph N. Walter
Paul E. Hayes	Fred H. Morgan	Fred M. Warns
John A. Head	C. S. Nabb	Morris Weintraub
William K. Henry	James H. Polsgrove	Charles W. Wirsch

—54

Those who voted in the negative were—

Bernam Adams	John D. Beatty	C. A. Hammons
Bill Adams	R. Josh Cosby	E. R. Hilton
Edgar Arnett	B. H. Crider	Ray Holbrook

Woodrow W. Hollan	G. Lee McClain	W. R. Reasor
Silas Jacobs	Jack McPherron	J. Claude Stacy
William Jones	Emmett G. Moore	Harry Lee Waterfield
James W. Lambert	Dr. C. E. Palmore	Lyle H. Webb
John Martin	Leonard W. Preston	G. F. Williamson

—24

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Weintraub moved that the rules be suspended and Maureen Sharon Shannon and Mary Joe Buckholz be made Honorary Pages for the 1950 Regular Session.

Said motion was unanimously agreed to.

A message was received from the Senate announcing that they had passed a resolution which originated in that body of the following title, viz:

S. Res. No. 55. A RESOLUTION authorizing a suit against the Commonwealth of Kentucky by the Municipal Paving Company; authorizing an equitable adjustment and settlement to be made with the said company; authorizing a compromise or settlement of such claim or suit; and providing for the payment of any judgment obtained or the amount of any settlement agreed upon.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

WHEREAS, Municipal Paving Company, an Illinois Corporation, was the lowest and best bidder on a contract for the construction of a certain road project in McCracken County, Kentucky, which was and is designated and known on the records of the Department of Highways as McCracken County U 58 (5) SP 73-352-1, Paducah Belt Line Project, and

WHEREAS, the contract for said road project was awarded to Municipal Paving Company by the Department of Highways as the duly authorized agent of the Commonwealth of Kentucky, which contract is dated July 2, 1947, and

WHEREAS, in the prosecution of the work required to be performed under the terms of the aforesaid contract unknown and latent sub-surface conditions were encountered which necessitated a large amount of additional and more expensive work and the re-handling of materials which was not contemplated by the contract nor included in the original contract unit prices called for in the specifications, drawings and contract, and

WHEREAS, an examination and investigation of the conditions at the site did not disclose the unstable sub-surface conditions subsequently encountered and sub-surface conditions discovered were unknown conditions of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherring in construction work of the character provided for in the plans and specifications; and, the conditions encountered could not reasonably have been anticipated or foreseen and were not anticipated or foreseen by an examination of the site and were not discovered by the best investigation of the conditions at the site which it was possible for the contractor to make with the facilities available and within the time allowed prior to the submisison of bids, and

WHEREAS, said sub-surface conditions so encountered were unknown and unanticipated by either party at the time the contract was entered into, and

WHEREAS, as the work progressed it became evident that the subsoil and underground water table was much more serious than the parties had at first believed, and

WHEREAS, the soil and unstable sub-surface conditions encountered were due to an unknown and unusually high underground water table which could not have been ascertained without the aid of borings, and

WHEREAS, in view of the sub-surface or latent conditions at the site being materially different from the conditions expected by the parties to the contract, and

WHEREAS, as a result of the unknown and unanticipated conditions encountered, the contractor was required to furnish additional materials and perform additional work to stabilize the base for the surfacing of said road project and said conditions resulted in necessary and substantial delays, necessary and increased and unanticipated costs to the contractor.

NOW, THEREFORE, in order that the respective rights of the parties may be finally determined, said Municipal Paving Company is hereby authorized to institute and maintain a suit in equity against the Commonwealth of Kentucky in the Franklin Circuit Court for such additional compensation as it may be entitled to receive and for such damages as it may have sustained, if any. The court may determine what, if any, equitable adjustment the contractor is entitled to receive. The Department of Highways, with the approval of the Attorney General of the Commonwealth of Kentucky, may compromise or settle said claim before or after suit is filed and the Department hereby is authorized to make such equitable allowances and such equitable adjustment as it may appear the contractor is equitably entitled to receive. Any amount adjudged to plaintiff in said suit or agreed upon by settlement between the contractor and the Department of Highways shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury. In the event suit is filed and judgment is rendered by the Circuit Court, either party may appeal to the Court of Appeals as in other civil cases.

Nothing contained in this Resolution shall be considered by the court as substantive evidence on the merits of the alleged claim and nothing contained in this Resolution shall be considered as an admission by the Commonwealth of Kentucky of liability but it shall be construed as a waiver of any technical legal defenses and as authorizing the Department of Highways and the Court of Equity to consider and make such equitable adjustment and settlement as may appear to be fair and just.

Ordered that said resolution be printed and referred to the Committee on Rules.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz:

H. B. No. 115. AN ACT relating to animals running at large.

H. B. No. 356. AN ACT concerning the time of payment, discount, interest and penalties of tax bills in cities of the first class.

H. B. No. 286. AN ACT relating to the defining of theaters for licensing purposes and the licensing of same.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 176. AN ACT relating to professional nursing, including provision for licensing and regulation of the practice of professional nursing and the approval of Schools of Professional Nursing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS AND APPLICATION

(1) "Purpose". The purpose of this Act is to regulate the examination, licensing and practice of graduates of approved schools of professional nursing.

(2) As used in this act

(a) "Board" means the Board of Nursing Education and Nurse Registration.

(b) "Practice of professional nursing" means the practice of nursing by a person who for compensation or personal profit per-

forms any nursing service requiring the application of principles of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health

Section 2. STATE BOARD OF NURSING EDUCATION AND NURSE REGISTRATION.

a. Appointment. The Governor shall appoint a Board of Nursing Education and Nurse Registration consisting of seven members: Provided, however, that the present State Board of Examiners of Trained Nurses shall serve as the Board under this act until the expiration of the terms of office of the present members or until their successors have been appointed and qualified under this act. At least two months prior to the expiration of the term of office of each member of the State Board of Examiners of Trained Nurses, the Kentucky State Association of Registered Nurses shall submit to the governor a list of fourteen members qualified to serve on the Board of Nursing Education and Nurse Registration. Appointments shall be made from this list as follows: one appointment for one year, two appointments for two years, two appointments for three years and two appointments for four years. Upon the expiration of each of these terms of office each subsequent appointment shall be for a term of four years. At least three months before the expiration of the term of any member of the board, thereafter, the Kentucky State Association of Registered Nurses shall submit to the governor a list of members qualified for appointment, in number not less than twice the number of appointments to be made from which list the Governor shall make each appointment or appointments as necessary. When one or more approved schools of practical nursing are located within the State of Kentucky, at least one appointment to the board shall be a qualified registered nurse who is a faculty member of an approved school of practical nursing.

b. Vacancy. A vacancy on the board shall be filled by the Governor from the list of names submitted under sec. 2 (a).

c. Removal from office. The Governor may remove any member from the board for neglect of duty, incompetency, or unprofessional or dishonorable conduct.

Section 3.

a. Qualifications of members. Each member of the board shall (1) be a citizen of the United States, a resident of Kentucky, a graduate of an accredited school of nursing, a registered nurse in the state, and have completed at least two years of study in an approved college or university in courses which may be applied on a degree in nusring education; (2) have had at least five years successful experience in any one or combinations of the following fields: Administration in schools of nursing, teaching in schools of nursing, supervision in schools of nursing, or a faculty member in a public health nursing agency affiliated with a school of nursing, three years of which experience shall immediately precede the appointment or reappointment; (3) be a member of the Kentucky State Association of Registered Nurses and a member of the State League of Nursing Education.

Section 4.

(a) Duties and Powers. The board shall meet annually in Frankfort within thirty days after each annual appointment or appointments and shall elect from its members a president and a secretary-treasurer. It shall hold such other meetings during the year as may be deemed necessary to transact business. A majority of the board including one officer shall constitute a quorum at any meeting. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act. The board shall prescribe curricula and standards for schools of nursing and courses preparing persons for licensure under this Act. It shall provide for surveys of such schools and courses at such time as may be necessary, approve such schools and courses as meet the requirements of this Act and of the board, evaluate and approve courses for affiliation, and examine, license and renew the license of duly qualified applicants; it shall conduct hearings upon charges calling for discipline of a licensee or denial or suspension or revocation of a license, have powers to issue subpoenas, and compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all per-

sons violating this Act. It shall keep a record of all its proceedings and make an annual report to the governor.

The board shall employ a qualified person to serve as executive secretary to the board, and shall fix his compensation and define his duties. It may employ such other persons as may be necessary to carry on the work of the board.

The executive secretary shall meet at least the qualifications for board members and shall have had at least two years of experience in nursing school administration immediately preceding the time of his appointment.

b. Compensation. Each member of the board shall receive, in addition to necessary traveling, hotel and other necessary expenses, $10.00 per day for each day he is actually engaged in the discharge of his official duties. Employees of the board shall be reimbursed for necessary traveling, hotel or other necessary expenses incurred in the discharge of their duties.

Section 5. REGISTERED NURSE

a. Qualifications of applicant. An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant is of good moral character; is in good physical and mental health; has completed at least an approved four year high school course of study or the equivalent thereof as determined by an appropriate educational agency; and has completed the basic professional curriculum in an approved school of professional nursing and holds a diploma therefrom.

b. License by examination. An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

c. License without examination. The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant is qualified to practice professional nursing in this state.

d. Temporary license. The board, at its discretion may issue a temporary license to nurses who are licensed in and citizens of other countries; provided such license shall be issued for a period not to exceed one year.

e. Fee. An applicant for a license to practice as a registered nurse shall pay a fee of $15.00 to the board.

f. Title and abbreviation. Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "Registered Nurse" and the abbreviation "R. N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice professional nursing unless licensed under this Act or excepted under the provisions of Section 10.

g. Nurses Registered under a Previous Law. Any person holding, on July 1, 1950, a valid license or certificate of registration to practice nursing as a registered nurse issued under the prior law shall thereafter be deemed to be licensed as a registered nurse under the provisions of this Act.

Section 6. RENEWAL OF LICENSE

a. The license of every person licensed under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the renewal fee of $2.00 before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing year. Such certificate of renewal shall render the holder a legal practitioner of nursing for the period started on the certificate of renewal. The board shall prescribe by regulation the beginning and ending of the license year.

b. Lapsed License. Any licensee who allows his license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew the license and on payment of current renewal fee.

Any person practicing nursing during the time the license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this Act.

Section 7. DISPOSITION OF FUNDS

All fees received by the board collected under this Act shall be deposited at the end of each month, with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the Board of Nursing Education and Nurse Registration Revolving Fund.

This fund shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the provisions of this Act, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state, through surveys, institutes, conferences or such other means as may result in improving nursing service in this state.

All funds which may have accumulated to the credit of the board under the Act which is now repealed shall be continued for use by the Board of Nursing Education and Nurse Registration in the administration of this Act.

Section 8. SCHOOLS OF NURSING

A. Application for approval. An institution desiring to conduct a school of professional nursing shall apply to the board and submit evidence that it is prepared to carry out the prescribed basic curriculum in professional nursing and that it is prepared to fulfill other requirements of standards which are established by this law or by regulations of the board. Schools now approved shall continued under this Act. No person shall operate a school of professional nursing without complying with the provisions of this section.

b. Survey. A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary or other authorized employee of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an approved school of nursing are met, it shall approve the school.

Periodic surveys of all schools of nursing shall be made under the supervision of the board. Written reports of such surveys shall be submitted to the board. If the board determines that any approved school of nursing is not maintaining the standard required by the statutes and by the board, notice thereof in writing specifying their deficiencies shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after hearing.

Section 9. DISCIPLINARY PROCEEDINGS

a. Grounds for discipline. The Board shall have power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person is: guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime or gross immorality; unfit or incompetent by reason of negligence, habits or other causes; habitually intemperate or addicted to the use of habitforming drugs; mentally incompetent; guilty of unprofessional conduct or has wilfully or repeatedly violated any of the provisions of this Act.

A revoked or suspended license may be relicensed after one year, at the discretion of the board.

Section 10. EXCEPTIONS

No provision of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice professional nursing within the meaning of this Act, or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in approved schools of professional nursing; nor by graduates of such schools pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires him to accompany and

care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his official duties; nor shall it be construed to apply to any Christian Science Nurse. The provisions of this Act shall not prevent the practice of nursing by a person who is not a graduate of an approved school of professional nursing so long as that person is practicing under the direct supervision and control of a licensed physician, or a well recognized hospital or clinic.

Section 11. VIOLATION OF ACT, PENALTIES

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the Board in applying for a license shall be fined not more than five hundred dollars.

Section 12. REPEAL OF CHAPTER 314

Chapter 314 of the Kentucky Statutes is hereby repealed.

Section 13. EFFECTIVE DATE

This Act shall take effect July 1, 1950.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Chester J. Holsclaw	James H. Polsgrove
Clarence J. Barnum	Richard R. Houpt	Leonard W. Preston
C. E. Baumgardner	Durham W. Howard	W. R. Reasor
John D. Beatty	Maurice G. Howard	Amos Runyan
Fred Beshear	Robert N. Hubbard	Dr. Roy Sanders
L. E. Bradley	Silas Jacobs	LeRoy Saylor
Charles J. Bronston	Paul S. Jonas	Paul E. Shannon
J. D. Buckman, Jr.	Barkley Jones	John M. Spaulding
Mrs. M. E. Burnett	William Jones	J. Claude Stacy
Charles W. Burnley	James W. Lambert	Roy Steers
Stanley Carter	Jesse H. Lawrence	Raymond D. Stigall
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	A. L. (Chick) Love	W. R. Stringer
Owen Deering	True Mackey	Egbert V. Taylor
Henry C. Hale	Damon Majors	Rev. T. H. Tinsley
James P. Hanratty	Alton Mitchell	Ralph **N. Walter**
George F. Harris	Archie R. Moore	Fred M. Warns
Paul E. Hayes	Emmett G. Moore	Harry Lee Waterfield
John A. Head	Walter R. Moorman	Lyle H. Webb
William K. Henry	C. S. Nabb	Morris Weintraub
Woodrow W. Hollan	Dr. C. E. Palmore	Charles W. Wirsch

—63

Those who voted in the negative were—

Bernam Adams	C. A. Hammons	John Martin
Edgar Arnett	Homer E. Losey	Jack McPherron

—6

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

On today, the House inadvertently adjourned before the bills and resolutions in the Calendar were given their second reading and the bills and resolutions which were reported by the Committee on Rules with the expression of opinion that same should pass were given their second reading. On motion of Mr. Hanratty on March 16, 1950, which was agreed to, the Chief Clerk was directed to have the Journal of today's proceedings include the Report of the Committee on Rules and Calendar. Said Report of Committee on Rules and Calendar are as follows, viz:

The Committee on Rules, to which the same had previously been referred, reported bills and resolutions of the following titles, vzi:

S. B. No. 166. AN ACT relating to wartime and national emergency laws; repealing statutes whose tenure was dependent on the existence of the war or emergency; amending statutes part of the provisions of which were dependent upon the existence of the war or emergency; making effective acts and amendments the effective date of which were made dependent upon the termination of the war or emergency.

S. B. No. 256. AN ACT relating to unemployment insurance.

S. Res. No. 12. A JOINT RESOLUTION authorizing Bruce Thomas Lykins to sue the Commonwealth of Kentucky.

S. Res. No. 15. A JOINT RESOLUTION authorizing Paul V. Wyatt of R.F.D. 2, Paris, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, either or both.

S. Res. No. 22. A JOINT RESOLUTION authorizing Clyde B. Smith of Topmost, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 23. A JOINT RESOLUTION authorizing J. I. McClendon, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 24. A JOINT RESOLUTION authorizing Arthur Garner, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 26. A JOINT RESOLUTION authorizing Walter Payne, of Knox County, to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

S. Res. No. 32. A RESOLUTION authorizing H. L. Ashby to sue the Commonwelath of Kentucky and the Commissioner of Highways of the Commonwealth of Kentucky, or either.

S. Res. No. 47. A RESOLUTION electing on behalf of the Department of Conservation, the Division of Forestry and of the Commonwealth of Kentucky to operate under the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders was concerned; and authorizing the filing of a claim with the Workmen's Compensation Board; directing that a hearing be held by said Board to ascertain whether Luther E. Sowders was at the time of his death an employee of the Department of Conservation, Division of Forestry or of Commonwealth of Kentucky, and to determine whether he met his death as a result of an accident arising out of and in the course of his employment by the Commonwealth of Kentucky or a division or agency thereof, and providing for the payment of benefits to his widow if awarded by the Workmen's Compensation Board.

S. B. No. 121. AN ACT relating to tobacco, regulating and restricting the varieties and types of tobacco that may either be grown or marketed in Kentucky; declaring the public policy of the Commonwealth of Kentucky with respect thereto; providing

penalties for violation of the Act; and prescribing rules, standards and means for the enforcement of the Act, and declaring an emergency.

S. B. No. 279. AN ACT to repeal, amend and re-enact Section 64.010 of the Kentucky Revised Statutes relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts.

S. B. No. 264. AN ACT authorizing the acquisition, construction, maintenance, extension, improvement and operation of natural, artifiicial or combined systems for the manufacture or distribution of natural or artificial gas and the renting or leasing thereof by cities and districts; providing for the organization, creation, operation and change of gas districts; providing for the acquisition of property for gas systems by condemnation; providing for the jurisdiction of the Public Service Commission; authorizing the issuance of tax free revenue bonds for, and the creation of a statutory mortgage lien on, gas systems, and the use of tax revenues and other funds for such systems; providing procedure in event of anexation of gas district by incorporated city; and providing for letting of contracts.

S. B. No. 116. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway crossings; amending Section 277.170 of the Kentucky Revised Statutes.

S. B. No. 217. AN ACT relating to the sale of alcoholic beverages.

S. B. No. 263. AN ACT relating to war memorials, amending section 148.170 of the Kentucky Revised Statutes.

S. B. No. 63. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the mileage traveled in the service of notices, subpoenas, and summons.

S. B. No. 259. AN ACT relating to the compensation of members of the boards of education.

S. B. No. 284. AN ACT relating to compressed or liquified gas.

S. B. No. 242. AN ACT relating to jailers and repealing and re-enacting KRS 64.150.

S. B. No. 253. AN ACT relating to physical examination for school teachers.

S. B. No. 237. AN ACT relating to enforcement of foreign judgments.

S. B. No. 238. AN ACT relating to use of photographic copies of business and public records as evidence.

S. B. No. 239. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

S. B. No. 261. AN ACT relating to county law libraries in counties containing a city of the first class.

S. B. No. 274. AN ACT relating to Statutory liens.

S. B. No. 208. AN ACT relating to the fees of jailers.

S. B. No 155. AN ACT relating to the recording and transcribing of court proceedings.

S. Res. No. 54. A JOINT RESOLUTION authorizing Raymond Clayton of Providence, Kentucky, to sue the Commonwealth of Kentucky.

S. B. No. 212. AN ACT requiring a certification that land has been listed for taxes before a deed to the same shall be recorded or accepted for recording, providing for the listing of such land, and obtention of such certificate and providing penalties.

S. Res. No. 64. A JOINT RESOLUTION authorizing the payment of claim against the Commonwealth.

With the expression of opinion that same should pass.

Whereupon, said bills and said resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Calendar bills resolutions of the following titles, viz:

S. B. No. 270. AN ACT relating to the judicial system of this Commonwealth; creating a judicial council and a judicial conference; defining their powers and duties; providing for the payment of expenses; making an appropriation; and repealing Sections 22.010, 22.020, 22.030 and 22.040 of the Kentucky Revised Statutes.

S. B. No. 109. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky.

S. B. No. 129. AN ACT relating to water districts and authorizing same to acquire and develop other public projects under the terms of KRS 58.010 to 58.140 and repealing KRS 74.120.

S. B. No. 179. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick.

S. B. No. 250. AN ACT to repeal, amend and re-enact (Sub-section 6) of Section 132.590 of the Kentucky Revised Statutes relating to compensation of county tax commissioner; allowances by state and county for deputy hire and other authorized expenses; monthly salary advancement.

S. B. No. 85. AN ACT relating to war memorials.

S. B. No. 249. AN ACT relating to compensation of county tax commissioner's deputies, appraisers and assistants in counties containing a city of the first class.

S. B. No. 267. AN ACT relating to alcoholic beverage licenses.

S. B. No. 228. AN ACT relating to the fees of Commonwealth's witnesses in felony cases and their manner of payment.

S. Res. No. 20. RESOLUTION authorizing Esther Thomason to file suit against Board of Education of Grayson County, Ky.

S. Res. No. 21. RESOLUTION authorizing Pirtle Thomason to file suit against Board of Education of Grayson County, Ky.

S. B. No. 159. AN ACT relating to the fees of sheriffs.

S. B. No. 192. AN ACT relating to Teachers' Retirement, amending Section 161.610, KRS, providing an alternate plan of withdrawal after 30 years of service and providing for retirement irrespective of age.

S. B. No. 266. AN ACT relating to county police forces

S. B. No. 225. AN ACT relating to sewer and drainage facilities in cities of the first class and in counties containing such cities.

S. Res. No. 53. A JOINT RESOLUTION giving legislative approval to that certain compact entered into by eleven Southern States, as amended, relative to the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens in the several States who reside in such region; to declare that the State of Kentucky is a party to said compact, as amended, and that the agreements, covenants and obligations therein are binding upon said State; and appropriating funds for Kentucky's share of the cost of administrative services and operations under said compact.

S. Res. No. 62. A JOINT RESOLUTION designating the Board of Trustees of the University of Kentucky as the agency of the Commonwealth, subject to certain conditions and restrictions, to carry out such negotiations and do such other acts and

things as may be necessary to administer, implement and fully carry out on behalf of the Commonwealth of Kentucky, the provisions of Senate Resolution 53 of the 1950 Regular Session of the General Assembly; and declaring an emergency.

S. B. No. 196. AN ACT repealing to operators' licenses for certain motor vehicles.

S. B. No. 277. AN ACT relating to a Constitution Review Commission.

S. B. No. 280. AN ACT relating to ad valorem tax on distilled spirits.

S. B. No. 281. AN ACT relating to agreements with other States and Governments, and empowering the Governor to conduct the interstate relations of the Commonwealth.

S. B. No. 282. AN ACT relating to planning and zoning in the state capital and its environs; amending KRS 147.200, KRS 147.220, KRS 147.230, and KRS 147.250, and adding new sections.

S. B. No. 283. AN ACT relating to revenue and taxation.

S. B. No. 286. AN ACT relating to the State Fair Board, and its powers, duties and functions, including its powers with respect to operations, activities and enterprises at times other than when the State Fair is being conducted.

S. Res. No. 34. A JOINT RESOLUTION authorizing Ruth Wilson, Owsley County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 39. RESOLUTION authorizing Beeler Ringo to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

S. Res. No. 42. A JOINT RESOLUTION authorizing Ray H. Tuggey, Mrs. Maude B. Tuggey, Mrs. Blanche B. Mills and Carl J. Baird to sue the Commonwealth of Kentucky.

S. Res. No. 46. RESOLUTION authorizing the personal representative of Augustus Mainous, Grant Judd, and William Flannery, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either of them.

S. Res. No. 48. A JOINT RESOLUTION authorizing Sam Hensley to sue the Commonwealth of Kentucky, the Department of State Police, or either.

S. Res. No. 49. A RESOLUTION investigating the activities of the Kentucky Aeronautics Commission.

S. Res. No. 60. A JOINT RESOLUTION authorizing Charles Henderson, of Lexington, Fayette County, Kentucky, as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson, an infant under fourteen (14) years of age, to sue the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either.

Ordered that said bills and said resolutions be read at length for the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m., Thursday, March 16, 1950.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 16, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend Edward W. Baxter, pastor of the Church of the Ascension, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams
Bill Adams
Edgar Arnett
Sidney Baer
Walter J. Bailey
Clarence J. Barnum
C. E. Baumgardner
Leonard T. Bean
John D. Beatty
Fred Beshear
R. O. Blevins
L. E. Bradley
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Mrs. M. E. Burnett
Charles W. Burnley
Alex Calvert
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Fred M. Warns

Harry Lee Waterfield Morris Weintraub Charles W. Wirsch
Lyle H. Webb G. F. Williamson Adron Doran,
Speaker

Mr. Hanratty moved that the Journal of the House of Representatives of March 15, 1950, be corrected to read as follows:

The bills and resolutions in the calendar were given their second reading and the bills and resolutions which were reported by the Committee on Rules with the expression of opinion that same should pass were given their first reading. The bills and resolutions which were read for the first time are as follows:

Senate Bill 166

Senate Bill 256

Senate Bill 121

Senate Bill 279

Senate Bill 264

Senate Bill 116

Senate Bill 217

Senate Bill 263

Senate Bill 63

Senate Bill 259

Senate Bill 284

Senate Bill 242

Senate Bill 253

Senate Bill 237

Senate Bill 238

Senate Bill 239

Senate Bill 261

Senate Bill 274

Senate Bill 208

Senate Bill 155

Senate Bill 212

Senate Resolution 12

Senate Resolution 15

Senate Resolution 22

Senate Resolution 23

Senate Resolution 24

Senate Resolution 26

Senate Resolution 32

Senate Resolution 47

Senate Resolution 54

Senate Resolution 64

Said motion was agreed to.

Mr. Hanratty then moved that the reading of the Journal of the proceedings of Wednesday, March 15, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. B. No. 166. AN ACT relating to wartime and national emergency laws; repealing statutes whose tenure was dependent on the existence of the war or emergency; amending statutes part of the provisions of which were dependent upon the existence of the war or emergency; making effective acts and amendments the effective date of which were made dependent upon the termination of the war or emergency.

S. B. No. 256. AN ACT relating to unemployment insurance.

S. Res. No. 12. A JOINT RESOLUTION authorizing Bruce Thomas Lykins to sue the Commonwealth of Kentucky.

S. Res. No. 15. A JOINT RESOLUTION authorizing Paul V. Wyatt of R.F.D. 2, Paris, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, either or both.

S. Res. No. 22. A JOINT RESOLUTION authorizing Clyde B. Smith of Topmost, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 23. A JOINT RESOLUTION authorizing J. I. McClendon, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 24. A JOINT RESOLUTION authorizing Arthur Garner, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 26. A JOINT RESOLUTION authorizing Walter Payne, of Knox County, to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

S. Res. No. 32. A RESOLUTION authorizing H. L. Ashby to sue the Commonwealth of Kentucky and the Commissioner of Highways of the Commonwealth of Kentucky, or either.

S. Res. No. 47. A RESOLUTION electing on behalf of the Department of Conservation, the Division of Forestry and of the Commonwealth of Kentucky to operate under the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders was concerned; and authorizing the filing of a claim with the Workmen's Compensation Board; directing that a hearing be held by said Board to ascertain whether Luther E. Sowders was at the time of his death an employee of the Department of Conservation, Division of Forestry or of Commonwealth of Kentucky, and to determine whether he met his death as a result of an accident arising out of and in the course of his employment by the Commonwealth of Kentucky or a division or agency thereof, and providing for the payment of benefits to his widow if awarded by the Workmen's Compensation Board.

S. B. No. 121. AN ACT relating to tobacco, regulating and restricting the varieties and types of tobacco that may either be grown or marketed in Kentucky; declaring the public policy of the Commonwealth of Kentucky with respect thereto; providing penalties for violation of the Act; and prescribing rules, standards and means for the enforcement of the Act, and declaring an emergency.

S. B. No. 279. AN ACT to repeal, amend and re-enact Section 64.010 of the Kentucky Revised Statutes relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts.

S. B. No. 264. AN ACT authorizing the acquisition, construction, maintenance, extension, improvement and operation of natural, artificial or combined systems for the manufacture or distribution of natural or artificial gas and the renting or leasing thereof by cities and districts; providing for the organization, creation, operation and change of gas districts; providing for the acquisition or property for gas systems by condemnation; providing for the jurisdiction of the Public Service Commission; authorizing the issuance of tax free revenue bonds for, and the creation of a statutory mortgage lien on, gas systems, and the use of tax revenues and other funds for such systems; providing procedure in event of annexation of gas district by incorporated city; and providing for letting of contracts.

S. B. No. 116. AN ACT relating to giving notice to the traveling public of the approach of trains to public highway crossings; amending Section 277.170 of the Kentucky Revised Statutes.

S. B. No. 217. AN ACT relating to the sale of alcoholic beverages.

S. B. No. 263. AN ACT relating to war memorials, amending section 148.170 of the Kentucky Revised Statutes.

S. B. No. 63. AN ACT providing mileage for sheriffs in the various counties of the Commonwealth of Kentucky for the

mileage traveled in the service of notices, subpoenas, and summons.

S. B. No. 259. AN ACT relating to the compensation of members of the boards of education.

S. B. No. 284. AN ACT relating to compressed or liquefied gas.

S. B. No. 242. AN ACT relating to jailers and repealing and re-enacting KRS 64.150.

S. B. No. 253. AN ACT relating to physical examination for school teachers.

S. B. No. 237. AN ACT relating to enforcement of foreign judgments.

S. B. No. 238. AN ACT relating to use of photographic copies of business and public records as evidence.

S. B. No. 239. AN ACT relating to the use of business records as evidence and to make uniform the law relating thereto.

S. B. No. 261. AN ACT relating to county law libraries in counties containing a city of the first class.

S. B. No. 274. AN ACT relating to Statutory liens.

S. B. No. 208. AN ACT relating to the fees of jailers.

S. B. No. 155. AN ACT relating to the recording and transcribing of court proceedings.

S. Res. No. 54. A JOINT RESOLUTION authorizing Raymond Clayton of Providence, Kentucky, to sue the Commonwealth of Kentucky.

S. B. No. 212. AN ACT requiring a certification that land has been listed for taxes before a deed to the same shall be re-

corded or accepted for recording, providing for the listing of such land, and obtention of such certificate and providing penalties.

S. Res. No. 64. A JOINT RESOLUTION authorizing the payment of claim against the Commonwealth.

Ordered that said bills and said resolutions be read at length the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 51. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any person who cuts off, defaces, or in any other manner removes or alters any number placed by the manufacturer,

for identification purposes, on the motor, chassis or frame of, or attachments to a motor vehicle, a farm tractor or other unit of farm equipment or machinery, shall be imprisoned in the penitentiary for not less than one year nor more than five years.

(2) The ownership, possession or control of a motor vehicle, or of a farm tractor or other unit of farm equipment or machinery on which any motor, chassis, frame or other number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the motor vehicle, or farm tractor or other unit of farm equipment or machinery."

Mr. Waterfield offered the following amendment to said bill, viz:

Amend printed copy of S. B. No. 51, on page 1, line 5 and 6 by striking from lines 5 and 6, on page 1, the words "chassis or frame of, or attachments to a motor vehicle," and inserting in lieu thereof the words "chassis or frame of"

Said amendment to said bill was agreed to.

Mr. Waterfield moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Paul E. Hayes	Fred H. Morgan
Walter J. Bailey	John A. Head	C. S. Nabb
Clarence J. Barnum	William K. Henry	Dr. C. E. Palmore
C. E. Baumgardner	E. R. Hilton	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
R. O. Blevins	W. M. Horn	Roy Searcy
Edward O. Bridgers	Richard R. Houpt	Paul E. Shannon
Charles J. Bronston	Maurice G. Howard	James S. Shaw
J. D. Buckman, Jr.	Robert N. Hubbard	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Silas Jacobs	Forest Smith
Charles W. Burnley	Paul S. Jonas	John M. Spaulding
Alex Calvert	Barkley Jones	Raymond D. Stigall
Stanley Carter	William Jones	Mrs. Thelma Stovall
R. Josh Cosby	Jesse H. Lawrence	W. R. Stringer
Owen Deering	Mrs. J. T. Linton	Egbert V. Taylor
Thomas R. Duncan	Harry K. Lowman	M. G. Thompson
Mitchell S. Fannin	True Mackey	Rev. T. H. Tinsley
Henry C. Hale	G. Lee McClain	Fred M. Warns
C. A. Hammons	Jack McPherron	Harry Lee Waterfield
James P. Hanratty	Walter R. Moorman	Geo. F. Williamson
George F. Harris		

—64

Those who voted in the negative were—

Bill Adams	Durham W. Howard	Leonard W. Preston
Thomas L. Britton	James W. Lambert	Roy Steers
Harold G. Helm		

—7

Resolved that the title thereof be as aforesaid.

Mr. Bridgers moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following title, viz:

H. B. No. 57. AN ACT relating to the State Fair Board, amending Section 247.110 of the Kentucky Revised Statutes.

H. B. No. 159. AN ACT authorizing cities to lease space on parking meter posts for purposes of advertising, and providing for disposition of the proceeds realized therefrom.

H. B. No. 211. AN ACT relating to the preparation and dissemination of information concerning roads and highways in the Commonwealth.

H. B. No. 241. AN ACT relating to expense accounts of state officers and employees.

H. B. No. 243. AN ACT relating to the manner of letting contracts for materials, supplies and equipment: Advertisement.

H. B. No. 244. AN ACT relating to the number of copies of journals and acts to be printed.

H. B. No. 245. AN ACT relating to rates for composition for public printing.

H. B. No. 262. AN ACT relating to barbiturates.

H. B. No. 367. AN ACT relating to powers of attorney, repealing, amending and re-enacting Section 382.370, Kentucky Revised Statutes, and fixing a penalty for the violation thereof.

H. B. No. 268. AN ACT relating to planning and zoning Commisions in Cities of the first class and Counties containing such Cities.

H. B. No. 280. AN ACT relating to revenue and taxation.

H. B. No. 285. AN ACT relating to revenue and taxation.

H. B. No. 284. AN ACT relating to revenue and taxation.

H. B. No. 294. AN ACT amending Section 44.050 of Kentucky Revised Statutes, relating to the purchase and use of motor passenger vehicles out of state funds.

H. B. No. 366. AN ACT relating to Petty Cash Funds of State Budget Units.

H. B. No. 370. AN ACT relating to revenue and taxation.

H. B. No. 371. AN ACT relating to timberland assessments.

H. B. No. 374. AN ACT regulating vehicles when overtaking or meeting a stopped school bus.

H. B. No. 375. AN ACT relating to the speed of vehicles and providing penalties.

H. B. No. 376. AN ACT relating to condemnation of property and interests in property for flood control, flood protection or drainage purposes.

H. B. No. 382. AN ACT relating to warrants drawn on the State Treasurer.

H. B. No. 398. AN ACT relating to and providing for the payment of prior year claims against the State.

H. B. No. 412. AN ACT amending Sections 262.030, 262.040. 262.070, 262.090, 262.095, 262.150, 262.200, 262.220 and 262.240 of the Kentucky Revised Statutes, relating to the State Soil Conservation Committee and Soil Conservation Districts; and declaring an emergency to exist.

H. B. No. 115. AN ACT relating to animals running at large.

H. B. No. 286. AN ACT relating to the defining of theaters for licensing purposes and the licensing of same.

H. B. No. 356. AN ACT concerning the time of payment, discount, interest and penalties of tax bills in cities of the first class.

H. B. No. 441. AN ACT providing that in any county having a population of less than seventy-five thousand and in which

the county clerk shall have had the bond required of him by law executed by an incorporated surety company, the county clerk shall, in certain instances, have a claim against the state for the amount of the premium paid by him.

Thereupon, all other busines was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bills be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz:

H. B. No. 220. AN ACT regulating the distance between certain kinds of vehicles or equipment units when operating upon a highway. This Act shall be known as the Williamson-Beatty-Love Act.

With an amendment to said bill by way of substitute therefor as proposed and adopted by the Senate.

Said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate is as follows, viz:

AN ACT regulating the distance between certain kinds of vehicles or equipment units when operating upon a highway. This Act shall be known as the Williamson-Beatty-Love Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 189.340 (6) (b) of the Kentucky Revised Statutes is hereby amended to read as follows:

(6) The operator of any motor truck, semi-trailer truck, bus or heavy construction equipment unit when traveling upon a highway outside of a business or residential district shall not follow within 250 feet of another such vehicle or equipment unit. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks, semi-trailer trucks, busses or heavy construction equipment units.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 31. AN ACT relating to school building funds, with particular reference to taxes for building fund purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) (a) Upon request of the board of education of any school district, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five cents nor more than fifty cents as requested by the board shall be levied on each one hundred dollars of property subject to local taxation. This tax levy shall be in addition to the maximum school tax levy provided by KRS 160.475. The income from the tax shall be used for the purchase or lease of school sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school

building improvements, and for the purpose of financing any program for the acquisition, improvement, or building of schools. The question shall be so framed that the voter may by his vote answer "For" or "Against."

(b) In independent districts embracing cities of the first four classes the election shall be held at the next general election held not less than thirty days after the adoption of the ordinance or resolution. In other districts the election shall be held at a time fixed in the ordinance or resolution, not less than fifteen nor more than thirty days from the time the request of the board is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax levying authority shall when the next tax rate for the district is fixed levy the special rate specified by the board of education of the school district for the school building fund in addition to the levy provided by KRS 160.475.

(2) There may be included, in the maximum levy provided for in KRS 160.475, a special levy for building fund purposes as authorized by KRS 160.476, which shall be in addition to the levy authorized by vote as provided in subsection (1) of this section.

(3) In addition to or in lieu of this special tax, any board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and allow any balances remaining in the general fund over and above the amount necessary for discharging obligations for the fiscal year in full.

(4) The special fund provided for in subsection (1) of this section shall be kept in a separate account designated as

"Special Voted School Building Fund." The fund shall be kept in the depository selected by the board of education, or invested in bonds of the United States, of this state, or of any county or municipality in this state, provided however, that such investment shall be approved by the State Board of Education.

(5) All expenditures from such fund shall be made solely for the purposes enumerated in this section and shall be made in accordance with the school laws of the state at such times as the board of education determines. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the State Department of Education.

Mr. Duncan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Fred Beshear	Alex Calvert
Sidney Baer	Edward O. Bridgers	Stanley Carter
Walter J. Bailey	Charles J. Bronston	R. Josh Cosby
Clarence J. Barnum	J. D. Buckman, Jr.	G. I. Drury
C. E. Baumgardner	Mrs. M. E. Burnett	Thomas R. Duncan
John D. Beatty	Charles W. Burnley	Henry C. Hale

James P. Hanratty	A. L. (Chick) Love	James S. Shaw
George F. Harris	Harry K. Lowman	Gus Sheehan, Jr.
Paul E. Hayes	True Mackey	Forest Smith
John A. Head	G. Lee McClain	Joseph T. Snapp
William K. Henry	Jack McPherron	John M. Spaulding
E. R. Hilton	Archie R. Moore	Roy Steers
Ray Holbrook	Fred H. Morgan	Raymond D. Stigall
W. W. Hollan	C. S. Nabb	Mrs. Thelma Stovall
Chester J. Holsclaw	James H. Polsgrove	W. R. Stringer
W. M. Horn	Hobart Rayburn	Egbert V. Taylor
Richard R. Houpt	W. R. Reasor	M. G. Thompson
Maurice G. Howard	Amos Runyan	Rev. T. H. Tinsley
Robert N. Hubbard	Dr. Roy Sanders	Fred M. Warns
Paul S. Jonas	Roy Searcy	Geo. F. Williamson
Barkley Jones	Paul E. Shannon	Charles W. Wirsch
Mrs. J. T. Linton		—64

Those who voted in the negative were—

Bill Adams	Harold G. Helm	Emmett G. Moore
Leonard T. Bean	D. W. Howard	Walter R. Moorman
R. O. Blevins	James W. Lambert	Dr. C. E. Palmore
L. E. Bradley	Homer E. Losey	Leonard W. Preston
Thomas L. Britton	John Martin	J. Claude Stacy
B. H. Crider	William T. Marshall	Harry Lee Waterfield
R. C. Estepp, Sr.	Alton Mitchell	Lyle H. Webb
C. A. Hammons		—22

Resolved that the title thereof be as aforesaid.

Mr. Duncan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 62. AN ACT to amend subsection (2) of KRS 140.030, relating to inheritance taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of KRS 140.030 is amended to read as follows:

The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed twenty thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

Mr. Burnley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	John A. Head	Hobart Rayburn
Sidney Baer	William K. Henry	W. R. Reasor
Walter J. Bailey	E. R. Hilton	Amos Runyan
Clarence J. Barnum	Ray Holbrook	Dr. Roy Sanders
C. E. Baumgardner	W. W. Hollan	LeRoy Saylor
Leonard T. Bean	Chester J. Holsclaw	Roy Searcy
Fred Beshear	W. M. Horn	Paul E. Shannon
Edward O. Bridgers	Robert N. Hubbard	Jesse H. Shelton
Charles J. Bronston	Silas Jacobs	Forest Smith
J. D. Buckman, Jr.	Paul S. Jonas	Joseph T. Snapp
Mrs. M. E. Burnett	Barkley Jones	Raymond D. Stigall
Charles W. Burnley	Mrs. J. T. Linton	Mrs. Thelma Stovall
Alex Calvert	A. L. (Chick) Love	W. R. Stringer
R. Josh Cosby	Harry K. Lowman	Egbert V. Taylor
B. H. Crider	G. Lee McClain	M. G. Thompson
Henry C. Hale	Jack McPherron	Mrs. T. H. Tinsley
C. A. Hammons	Fred H. Morgan	Fred M. Warns
James P. Hanratty	C. S. Nabb	Harry Lee Waterfield
George F. Harris	James H. Polsgrove	Geo. F. Williamson
Paul E. Hayes	Leonard W. Preston	

—59

Those who voted in the negative were—

R. O. Blevins	James W. Lambert	Emmett G. Moore
L. E. Bradley	Homer E. Losey	Dr. C. E. Palmore
Harold G. Helm	John Martin	James S. Shaw
Durham W. Howard	Alton Mitchell	Lyle H. Webb

—12

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this body of the following title, viz:

H. B. No. 458. AN ACT appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1950, for expenses of sessions of the General Assembly, and declaring an emergency.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 191. AN ACT amending Section 148.200 of the Kentucky Revised Statutes, relating to the Old State Capitol Park.

S. B. No. 180. AN ACT relating to the ad valorem tax for state purposes upon unmanufactured agricultural products.

S. B. No. 182. AN ACT relating to Workmen's Compensation.

S. B. No. 195. AN ACT relating to war time, repealing Section 39.290 of the Kentucky Revised Statutes.

S. B. No. 46. AN ACT relating to Judicial Districts.

S. B. No. 181. AN ACT relating to workmen's compensation.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 236. AN ACT repealing and re-enacting Section 342.020 of the Kentucky Revised Statutes with reference to medical treatment at the expense of the employer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That K.R.S. 342.020 is hereby repealed and re-enacted so that same as re-enacted shall read as follows:

Medical treatment at expense of employer. In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employee in providing such treatments. In an emergency, the employee may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker anounced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	James P. Hanratty	James H. Polsgrove
Sidney Baer	George F. Harris	W. R. Reasor
Walter J. Bailey	Paul E. Hayes	Carl J. Ruh
Clarence J. Barnum	John A. Head	Amos Runyan
C. E. Baumgardner	William K. Henry	Dr. Roy Sanders
Fred Beshear	E. R. Hilton	LeRoy Saylor
L. E. Bradley	Ray Holbrook	Paul E. Shannon
Edward O. Bridgers	Woodrow W. Hollan	James S. Shaw
Charles J. Bronston	W. M. Horn	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Richard R. Houpt	Forest Smith
Mrs. M. E. Burnett	Silas Jacobs	Joseph T. Snapp
Charles W. Burnley	Paul S. Jonas	Roy Steers
Alex Calvert	Barkley Jones	Raymond D. Stigall
Stanley Carter	Jesse H. Lawrence	Mrs. Thelma Stovall
Paul Combs	Mrs. J. T. Linton	W. R. Stringer
R. Josh Cosby	True Mackey	Rev. T. H. Tinsley
B. H. Crider	William T. Marshall	Fred M. Warns
Owen Deering	Jack McPherron	Harry Lee Waterfield
Thomas R. Duncan	Archie R. Moore	Morris Weintraub
Mitchell S. Fanin	C. S. Nabb	G. F. Williamson
Henry C. Hale	Dr. C. E. Palmore	Charles W. Wirsch
C. A. Hammons		—64

Those who voted in the negative were—

Leonard T. Bean	Durham W. Howard	Leonard W. Preston
John D. Beatty	A. L. (Chick) Love	J. Claude Stacy
R. O. Blevins	John Martin	Egbert V. Taylor
Thomas L. Britton	Walter R. Moorman	Lyle H. Webb
R. C. Estepp, Sr.		—13

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 184. AN ACT relating to motor vehicles including the registering and licensing of manufacturers, dealers and operators of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 186.010 of the Kentucky Revised Statutes is amended to read as follows:

"Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

Section 2. Section 186.010 of the Kentucky Revised Statutes is amended by adding thereto subsection (9) to read as follows:

"Dealer" means any person engaging in the business of buying or selling motor vehicles.

Section 3. Section 186.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and any branch office or subagent or agency is located, and pay an annual registration fee of twenty-five dollars to each clerk. Upon receipt of this fee, the clerk shall issue to the manufacturer or dealer a certificate of registration and one dealer plate. Every manufacturer or dealer registered under this section shall be furnished additional dealer's plates upon the payment of five dollars for each plate so desired. A motor vehicle bearing dealer's plates may be used only by a member of the firm registered or by a bona fide salesman or employee of the firm for any purpose reasonably connected with the sale or demonstration for sale and delivery of the dealers' motor vehicles, or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highway of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles.

(2) Each manufacturer and dealer when making application for dealer's plates shall file a verified statement with the clerk, giving the name and address of each member of the firm and each bonafide salesman or employee entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employee so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesman or employees are employed, an amended verified statement showing their names and addresses shall be filed with the clerk so that the records in the clerk's office will at all times show the bona fide salesmen and employees actually in the service of the registered dealer or manufacturer.

(3) Any manufacturer or dealer violating any of the provisions of KRS 186.070 may be cited by the Department of Revenue to show cause at a public hearing before the Kentucky Tax Commission why his dealer's license should not be suspended and his dealer's plates cancelled by the Commission. The manufacturer or dealer shall be notified by registered letter or sum-

mons. Upon cause the Kentucky Tax Commission shall have the power to suspend for the period of not less than thirty days nor more than ninety days the manufacturer's or dealer's license and to cancel his dealer's plates. The aggrieved manufacturer or dealer may appeal from the ruling of the Kentucky Tax Commission according to the provisions of KRS 131.120. Such manufacturer or dealer whose license has been suspended is prohibited from engaging in the business of selling or buying motor vehicles. The license of any manufacturer or dealer shall be revoked for a period of one year and his dealer's plates cancelled in the event he violates any of the provisions of KRS 186.070 during his suspension period has been suspended by the Commission more than twice for violations of KRS 186.070. At the end of the revocation or suspension period the manufacturer or dealer whose license has been revoked or suspended and dealers plates cancelled may follow the provisions of KRS 186.070 and again be registered and secure dealer's plates from the clerk.

Section 4. Section 186.080 of the Kentucky Revised Statutes is hereby repealed, effective January 1, 1951.

Section 5. Section 186.220 of the Kentucky Revised Statutes is hereby repealed.

Section 6. Section 186.240 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The Department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official", "Highway", "Executive", or "Farm", and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state. A state slogan may be placed upon such plate if so desired.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1.

(5) Receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the State Road Fund; and out of this fund there shall be appropriated to the department administering KRS 186.020 to 186.260 an amount to be expended in the manner provided by law for the administration of its functions.

(6) Require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after the deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(7) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

Section 7. Subsection (2) of Section 187.290 of the Kentucky Revised Statutes is amended to read as follows:

"Highway"—Every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for purpose of vehicular traffic.

Section 8. Subsection (2) of Section 187.330 of the Kentucky Revised Statutes is amended to read as follows:

This section shall not apply:

(a) To such operator or owner if such owner had in effect at time of such accident an automobile liability policy with respect to the driver and the motor vehicle involved in such accident;

(b) To such operator, if not the owner of such motor vehicle if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(c) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond; or

(d) To any person qualifying as a self-insurer under KRS 187.600.

Mr. Calvert offered the following amendment to said bill, viz:

Amend printed copy of S. B. No. 184 in the House on page 6, section 8, by striking therefrom Section 8 in its entirety.

Said amendment to said bill was agreed to.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	C. S. Nabb
Walter J. Bailey	William K. Henry	Dr. C. E. Palmore
Clarence J. Barnum	E. R. Hilton	James H. Polsgrove
C. E. Baumgardner	Ray Holbrook	Hobart Rayburn
Fred Beshear	Chester J. Holsclaw	W. R. Reasor
Edward O. Bridgers	W. M. Horn	Carl J. Ruh
Charles J. Bronston	Richard R. Houpt	Amos Runyan
J. D. Buckman, Jr.	Robert N. Hubbard	Paul E. Shannon
Mrs. M. E. Burnett	Silas Jacobs	James S. Shaw
Charles W. Burnley	Barkley Jones	Gus Sheehan, Jr.
Alex Calvert	William Jones	Forest Smith
Stanley Carter	Jesse H. Lawrence	Joseph T. Snapp
R. Josh Cosby	Mrs. J. T. Linton	J. Claude Stacy
Owen Deering	A. L. (Chick) Love	Raymond D. Stigall
G. I. Drury	True Mackey	Mrs. Thelma Stovall
Thomas R. Duncan	Damon Majors	W. R. Stringer
Mitchell S. Fannin	John Martin	Egbert V. Taylor
Henry C. Hale	Jack McPherron	M. G. Thompson
C. A. Hammons	Alton Mitchell	Rev. T. H. Tinsley
James P. Hanratty	Walter R. Moorman	Fred M. Warns
Paul E. Hayes	Fred H. Morgan	—62

Those who voted in the negative were—

John D. Beatty	R. C. Estepp, Sr.	Leonard W. Preston
R. O. Blevins		—4

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 270. AN ACT relating to the judicial system of this Commonwealth; creating a judicial council and a judicial conference; defining their powers and duties; providing for the payment of expenses; making an appropriation; and repealing Sections 22.010, 22.020, 22.030 and 22.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a Judicial Council, composed of the Chief Justice of the Court of Appeals, or an associate Justice or Commissioner designated by him; two circuit Judges of courts of continuous session, two Circuit Judges of courts not of continuous session, a circuit court clerk, all to be appointed by the Chief Justice of the Court of Appeals; three members of the State Bar Association, to be appointed by the Governor; the Chairman of the Judiciary Committee of the House of Representatives; and the Chairman of the Judiciary Committee of the Senate. The appointed members of the Committee shall serve for a term of four years from the date of their respective appointments, and vacancies shall be filled by the original appointing official.

Section 2. There is hereby created a Judicial Conference, which shall consist of the Judges and Commissioners of the Court of Appeals, and all Circuit Judges of the Commonwealth. The Chief Justice of the Court of Appeals shall be its presiding officer.

Section 3. The Judicial Council shall meet at the seat of the government on the first Monday in October and the first Monday in June, and at such other times as may be called by its Chairman, who shall be elected by the members of the Council.

The Judicial Conference shall meet at least once a year upon the call of the Chief Justice of the Court of Appeals at the seat of the government.

Section 4. It shall be the duty of the Judicial Council to:

(a) Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the state judicial system.

(b) Require all necessary reports from the courts and clerks thereof of this Commonwealth relating to rules, dockets, and business dispatched or pending in such courts. Clerks of courts shall make to the Council any reports required by it and shall receive fifty (50c) cents for each page reported, to be paid as an expense of the Council.

(c) Receive and consider suggestions from judges, public officers, members of the Bar and others, and hold public hearings in its discretion, on matters relating to improvement in the administration of justice.

(d) Devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in judicial administration.

(e) Submit from time to time to the courts and judges of this Commonwealth, either upon request or on its own motion, such recommendations as it may deem advisable for changes in rules, procedure, methods of administration, or other matters pertaining to the judicial system.

(f) Report annually before November 1 to the Judicial Conference and the Court of Appeals on the conditions of business in the courts, with recommendations concerning any needed changes in the organization of the Judicial Department, judicial

procedure and the general improvement in the administration of Justice.

(g) Report biennially to the General Assembly concerning the work of the various branches of the judicial system in Kentucky, and make such recommendations for the improvement in judicial administration, practice and procedure as it deems necessary and proper.

Section 5. It shall be the duty of the Judicial Conference to conduct a continuous study of the judicial system and administration in this Commonwealth, and take appropriate action on reports and recommendations submitted to it by the Judicial Council.

Section 6. Members of the Judicial Council and the Judicial Conference shall receive no compensation for their services, but shall be allowed their actual and necessary expenses while on the business of the Council and the Conference; and all claims for expenses must be approved by the Chief Justice of the Court of Appeals.

The Judicial Council is authorized to employ a permanent secretary and necessary clerical assistants, and to maintain an office at the seat of the government.

Section 7. To carry out the purposes of this act, there is hereby appropriated out of the General Expenditure Fund in the State Treasury the sum of fifteen thousand ($15,000) dollars annually for each of the fiscal years 1950-51 and 1951-52.

Section 8. Chapter 22 of the Kentucky Revised Statutes, being Sections 22.010, 22.020, 22.030 and 22.040, are hereby repealed.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Chester J. Holsclaw	Leonard W. Preston
Walter J. Bailey	W. M. Horn	Hobart Rayburn
Clarence J. Barnum	Richard R. Houpt	W. R. Reasor
C. E. Baumgardner	Robert N. Hubbard	Amos Runyan
Fred Beshear	Silas Jacobs	Roy Searcy
Charles J. Bronston	Paul S. Jonas	Paul E. Shannon
J. D. Buckman, Jr.	Barkley Jones	James S. Shaw
Mrs. M. E. Burnett	James W. Lambert	Gus Sheehan, Jr.
Charles W. Burnley	Jesse H. Lawrence	Jesse H. Shelton
Alex Calvert	Mrs. J. T. Linton	Forest Smith
R. Josh Cosby	A. L. (Chick) Love	Joseph T. Snapp
B. H. Crider	Harry K. Lowman	J. Claude Stacy
G. I. Drury	True Mackey	Roy Steers
Thomas R. Duncan	Damon Majors	Raymond D. Stigall
Mitchell S. Fannin	G. Lee McClain	Mrs. Thelma Stovall
James P. Hanratty	Jack McPherron	W. R. Stringer
George F. Harris	Archie R. Moore	M. G. Thompson
Paul E. Hayes	Walter R. Moorman	Rev. T. H. Tinsley
John A. Head	Fred H. Morgan	Fred M. Warns
William K. Henry	C. S. Nabb	G. F. Williamson
W. W. Hollan	James H. Polsgrove	Charles W. Wirsch

—63

Those who voted in the negative were—

Bill Adams	Thomas L. Britton	Homer E. Losey	
John D. Beatty	R. C. Estepp, Sr.	John Martin	
R. O. Blevins	C. A. Hammons	Lyle H. Webb	
L. E. Bradley	Harold G. Helm		—11

Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now take up for consideration a bill of the following title, viz:

H. B. No. 220. AN ACT regulating the distance between certain kinds of vehicles or equipment units when operating upon a highway. This Act shall be known as the Williamson-Beatty-Love Act.

Which was reported from the Senate on today,

With an amendment to said bill by way of substitute therefor as proposed and adopted by the Senate.

(For bill see H.J. of February 27, 1950, ante)

Said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate is as follows, viz:

AN ACT regulating the distance between certain kinds of vehicles or equipment units when operating upon a highway. This Act shall be known as the Williamson-Beatty-Love Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 189.340 (6) (b) of the Kentucky Revised Statutes is hereby amended to read as follows:

(6) The operator of any motor truck, semi-trailer truck, bus or heavy construction equipment unit when traveling upon

a highway outside of a business or residential district shall not follow within 250 feet of another such vehicle or equipment unit. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks, semi-trailer trucks, busses or heavy construction equipment units.

Said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Durham W. Howard	Leonard W. Preston
Leonard T. Bean	Maurice G. Howard	Hobart Rayburn
Fred Beshear	Robert N. Hubbard	W. R. Reasor
R. O. Blevins	Silas Jacobs	Carl J. Ruh
L. E. Bradley	Barkley Jones	Amos Runyan
Charles J. Bronston	Jesse H. Lawrence	Roy Searcy
J. D. Buckman, Jr.	Mrs. J. T. Linton	Paul E. Shannon
Mrs. M. E. Burnett	A. L. (Chick) Love	James S. Shaw
Stanley Carter	Harry K. Lowman	Gus Sheehan, Jr.
R. Josh Cosby	True Mackey	Joseph T. Snapp
G. I. Drury	Damon Majors	J. Claude Stacy
Thomas R. Duncan	John Martin	Roy Steers
R. C. Estepp, Sr.	G. Lee McClain	Raymond D. Stigall
Mitchell S. Fannin	Jack McPherron	Mrs. Thelma Stovall
James P. Hanratty	Archie R. Moore	W. R. Stringer
George F. Harris	Walter R. Moorman	M. G. Thompson
Harold G. Helm	Fred H. Morgan	Fred M. Warns
William K. Henry	C. S. Nabb	Lyle H. Webb
Woodrow W. Hollan	Dr. C. E. Palmore	G. F. Williamson
W. M. Horn	James H. Polsgrove	

—59

There voted in the negative—

C. A. Hammons —1

Mr. Williamson moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 267. AN ACT relating to alcoholic beverage licenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Except as provided in Section 3 of this Act, no wholesaler's license of the kind mentioned in KRS 243.030 and KRS 243.160 shall be issued to or held by any natural person who has not been an actual bona fide resident in this state for at least five years before the date on which the application for a license is made.

Sec. 2. Except as provided in Section 3 of this Act, no wholesaler's license of the kind mentioned in KRS 243.030 and KRS 243.160 shall be issued to or held by any partnership, any member of which has not been an actual bona fide resident in this state for at least five years before the date on which the application for a license is made; and no such license shall be issued to or held by any corporation of which as much as 25% of the capital stock is owned by any person or persons who have not had an actual bona fide residence in this state for at least five years before the date on which the application for license is made, or owned by any corporation as much as 75% of the capital stock of which is not owned by individuals who have had an actual bona fide residence in this state for at least five years before the date on which the application for license is made.

Sec. 3. Any natural person or partnership holding such a license on the effective date of this Act shall not, by reason of

the provisions of this Act, be ineligible to continue to hold such license, or obtain a renewal thereof; and any corporation holding such a license on the effective date of this Act shall not, by reason of the provisions of this Act, be ineligible to continue to hold such license, or obtain a renewal thereof, so long as none of its capital stock is thereafter transferred to a person or persons not having an actual bona fide residence in this state for at least five years before the date of such transfer, or transferred to a corporation as much as 75% of the capital stock of which is not owned as aforesaid. If, upon the death of a stockholder of a corporation holding such a license, some, or all, of its stock passes to persons who have not had an actual bona fide residence in this State for at least five years before the date upon which the stock passed to them and, as a result, as much as 75% of the capital stock of such corporation does not continue to be owned by persons who have had an actual bona fide residence in this State for at least five years before the last date on which such stock passed, the corporation may, nevertheless, continue to hold its license and do business thereunder for the remainder of the term for which the license was issued and for one renewal period of such license.

Mr. Morgan moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	James P. Hanratty	Fred H. Morgan
Walter J. Bailey	George F. Harris	C. S. Nabb
Clarence J. Barnum	Paul E. Hayes	James H. Polsgrove
C. E. Baumgardner	William K. Henry	Hobart Rayburn
Leonard T. Bean	E. R. Hilton	W. R. Reasor
Fred Beshear	Ray Holbrook	Amos Runyan
L. E. Bradley	Chester J. Holsclaw	Dr. Roy Sanders
Edward O. Bridgers	W. M. Horn	Paul E. Shannon
Charles J. Bronston	Durham W. Howard	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Maurice G. Howard	Jesse H. Shelton
Mrs. M. E. Burnett	Silas Jacobs	Forest Smith
Charles W. Burnley	Jesse H. Lawrence	John M. Spaulding
Stanley Carter	Mrs. J. T. Linton	Raymond D. Stigall
R. Josh Cosby	A. L. (Chick) Love	Mrs. Thelma Stovall
Owen Deering	True Mackey	W. R. Stringer
G. I. Drury	William T. Marshall	M. G. Thompson
Thomas R. Duncan	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Archie R. Moore	G. F. Williamson
Henry C. Hale		—55

Those who voted in the negative were—

Bill Adams	Carl J. Ruh	Morris Weintraub
C. A. Hammons	LeRoy Saylor	Charles W. Wirsch
James W. Lambert	Roy Steers	—8

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz:

H. B. No. 458. AN ACT appropriating money out of the General Expenditure Fund for expenses of Sessions of the General Assembly.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bill be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 175. AN ACT relating to Public Printing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 57.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The business of printing and binding, and of furnishing printing paper, stationery and supplies for the state shall be divided into three classes as follows:

(a) First Class: The printing of all bills for the General Assembly, together with such matters as are ordered by either or both houses to be printed in bill form; the printing and bind-

ing of the journals of the two houses; the printing and binding of the volumes of public documents, and of the general and local laws and joint resolutions; the printing and binding of all reports, documents and other matters bound in book or pamphlet form; all printing for the Department of Education; and all miscellaneous printing and binding necessary for the several departments and not otherwise provided for in this chapter.

(b) Second Class: Lithographic printing and engraving and embossing.

(c) Third Class: The furnishing of all printing paper, stationery and such other supplies for the use of the state as are provided for by this chapter.

(2) The work in the first class may be let in one or more contracts, subject to determination by the Department of Finance. The work in each of the second and third classes shall be let in one contract embracing all of the work in that class.

(3) The same person may become the contractor for two or more classes, if he is the lowest responsible bidder therefor.

SECTION 2. Subsection (2) of KRS 57.040 is amended to read as follows:

(2) No contract shall be let to a member of the General Assembly, or to any person holding a state office, or to any person who is not a citizen of Kentucky or to any person who does not covenant to perform all the work within the state, except that matter in the second or third class may be done or purchased out of the state. A person who is ineligible to be awarded any state printing contract shall not be interested in any way in that contract.

SECTION 3. Subsection (2) of KRS 57.060 is amended to read as follows:

(2) Paper, stationery and supplies necessary for state printing and binding of the second class and materials for half binding, shall be furnished and paid for by the contractor.

Section 4. Section 57.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Finance shall, between the first day of August, 1950, and the first day of November, 1950, and within the same period every fourth year thereafter give notice, which notice shall appear once during each week for five consecutive weeks in at least one newspaper of general circulation in each of the cities of Frankfort, Louisville, Lexington, Ashland and Paducah, Kentucky, and Cincinnati, Ohio, that sealed proposals will be received at the office of the Commissioner of Finance, for the first two classes of public printing and binding in separate contracts for the term of four years beginning with the first Monday in January, next ensuing, at a certain rate not to exceed the rates specified by law.

(2) The Department of Finance shall contract for the purchase of paper, stationery and supplies of the third class to meet all needs therefor for any period not less than three months nor more than one year, and shall so state in advertising for bids.

Mr. Bean moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	James P. Hanratty	G. Lee McClain
Clarence J. Barnum	George F. Harris	Jack McPherron
C. E. Baumgardner	Paul E. Hayes	Emmett G. Moore
Leonard T. Bean	John A. Head	C. S. Nabb
Fred Beshear	Harold G. Helm	Dr. C. E. Palmore
R. O. Blevins	William K. Henry	James H. Polsgrove
L. E. Bradley	E. R. Hilton	Hobart Rayburn
Edward O. Bridgers	Ray Holbrook	Carl J. Ruh
Charles J. Bronston	Woodrow W. Hollan	Amos Runyan
J. D. Buckman, Jr.	Chester J. Holsclaw	Roy Searcy
Mrs. M. E. Burnett	W. M. Horn	Paul E. Shannon
Alex Calvert	Richard R. Houpt	James S. Shaw
Stanley Carter	Durham W. Howard	Jesse H. Shelton
Paul Combs	Robert N. Hubbard	Forest Smith
R. Josh Cosby	Silas Jacobs	J. Claude Stacy
B. H. Crider	James W. Lambert	Raymond D. Stigall
Owen Deering	Jesse H. Lawrence	Mrs. Thelma Stovall
G. I. Drury	Mrs. J. T. Linton	W. R. Stringer
Thomas R. Duncan	A. L. (Chick) Love	Egbert V. Taylor
R. C. Estepp, Sr.	Harry K. Lowman	Rev. T. H. Tinsley
Mitchell S. Fannin	True Mackey	Fred M. Warns
C. A. Hammons		

—64

There voted in the negative—

Roy Steers —1

Resolved that the title thereof be as aforesaid.

Mr. Bean moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 126. AN ACT relating to public improvements and the financing thereof in cities other than those of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Improvement" contemplates original construction or substantial reconstruction, as distinguished from repair.

(2) "Public way" embraces a public street, sidewalk, boulevard, avenue, road, lane, alley, highway, parkway, court or terrace.

(3) "Street" means any public way other than a sidewalk.

(4) "Driveway" means any paved entrance through a curb and sidewalk from the curb line to the property line of the street.

(5) "Sidewalk" means a paved way for pedestrians along a street.

(6) "Sewer line" means a conduit above or below ground for the passage of sewage or storm water from original sources into a sewerage system; it consists primarily of what are commonly known as "lateral" lines, and does not embrace the things defined in subsection (7) of this section as embraced in a sewerage system; however, it may include manholes, street inlets, catch basins and leads thereto, and similar appurtenances.

(7) "Sewerage system" embraces trunk lines, outfall lines, interceptor lines, sewage disposal plants, sewage treatment plants, pumping stations, and related appurtenances.

(8) "Water line" means a pipe for the passage of water for public hydrants and private and public use and consumption, and may include fire hydrants and leads thereto.

(9) "Street improvement" embraces the construction and reconstruction of streets, including grading or regrading and paving or repaving of streets, and, if the city legislative body so orders, may embrace construction or reconstruction, either in whole or in part, of curbs, gutters, driveways, sewers, sewer inlets and catch basins where the same are to be constructed in connection with the street improvement project.

(10) "Sidewalk improvement" embraces the construction and reconstruction of sidewalks, including grading or regrading and paving or repaving, and, if the city legislative body so orders,

may embrace the construction or reconstruction of curbs, gutters and driveways, or the building or repair of catch basins and inlets, where the same are to be constructed in connection with the sidewalk improvement project.

(11) "Sewer line improvement" embraces the construction, reconstruction, laying or relaying of sewer lines, and, if the city legislative body so orders, may include the reconstruction of portions of public ways necessarily torn up or damaged in connection with the sewer line improvement project.

(12) "Sewerage system improvement" embraces the construction or reconstruction of a sewerage system or any part thereof, and, if the city legislative body so orders, may include the reconstruction of portions of public ways necessarily torn up or damaged in connection with the sewerage system improvement project.

(13) "Water line improvement" embraces the construction or reconstruction of a water line, and, if the city legislative body so orders, may include the reconstruction of portions of public ways necessarily torn up or damaged in connection with the water line improvement project.

(14) "Public improvement" embraces street improvements, sidewalk improvements, sewer line improvements, sewerage system improvements, and water line improvements, and each of these five kinds of improvements shall be deemed to be a separate "class" of improvement for the purposes of this Act.

(15) "Cost of improvement," among other things, embraces cost of labor, material and equipment necessary to complete a satisfactory work, cost of land acquired, and every expense connected with the improvement, including preliminary and other surveys, inspections of work, engineering fees and costs, attorneys' fees, preparation of plans and specifications, publication of notices, and cost of financing.

(16) "City" means a city of any class other than the first class.

Sec. 2. This Act provides for the making and financing of public improvements in cities of all classes other than the first class. However, it is not intended to affect the provisions of KRS 94.160 and 94.170, providing an alternate plan for the acquisition and operation of sewerage systems, nor is it intended

to affect the provisions of KRS 94.500 to 94.540, relating to the oiling of public ways, or the provisions of KRS 177.041 to 177.047.

Sec. 3. (1) The legislative body of a city may, by ordinance, provide for the making and financing of any public improvement, as provided in this Act.

(2) Before the city legislative body adopts an ordinance providing for the making of a public improvement, it shall adopt a resolution designating the route or area of the proposed improvement, setting out in general terms the character and extent of the proposed improvement, and declaring the improvement to be a necessity. The resolution shall be published in at least one issue of a newspaper of general circulation in the city, at least thirty days before the passage of the ordinance.

(3) Subject to the provisions of this Act, the city legislative body shall have full power to determine what public improvements shall be made, the extent and character of the improvement, the kind of material to be used, and the necessity for the improvement, and its determination shall be final. The city legislative body may do all things necessary to the proper execution and carrying out of any improvement.

Sec. 4. The city legislative body may provide for the improvement of more than one public way in the same ordinance and let a contract accordingly, if the improvements on all of the public ways included in the ordinance are to be of the same type of construction. The same principle shall apply to sewer line and water line improvements.

Sec. 5. (1) The original ordinance providing for the making and financing of a street improvement, any portion of the cost of which is to be assessed against property owners, must state whether the improvement is to be classed as a "complete" improvement or a "stage" improvement, and if it is to be classed as a "stage" improvement the ordinance must describe what additional stage improvements will be required before the street improvement will be complete. If the ordinance does not specifically designate the improvement as a "stage" improvement, it will be deemed to provide for a "complete" improvement. Where an improvement classed as "complete" has been made upon any street, and any portion of the cost thereof has been assessed against property owners, no assessment against

property owners for further improvement of that street, other than a widening project, may be made for a period of fifteen years from the date of the original ordinance.

(2) With respect to any public way improvement initiated prior to the effective date of this Act in a city of the fourth class, to which the provisions of subsection (4) of KRS 94.400 were applicable, the provisions of that subsection shall remain applicable for a period of 25 years from the date of completion of such improvement.

Sec. 6. In the original ordinance providing for the making of a public improvement, provision shall be made for advertisement for bids as provided in Section 16 hereof and for the levying of an improvement tax upon all benefited property to the extent that the same is to be assessed for the cost of the improvement, the amount of the tax to be ascertained and fixed in the apportionment ordinance as provided in Section 19 of this Act.

Sec. 7. In cities having a city legislative body consisting of two boards, no original ordinance for a public improvement shall pass both boards on the same day, but at least two weeks shall elapse between the passage of the ordinance from one board to the other. In cities with a single legislative body, such an ordinance shall have two readings before that body, and ten days shall elapse between the first and second readings. The date of the final passage shall be deemed to be the "date" of the ordinance for the purposes of this Act. Provided, however, in cities organized and operated under the commission or city manager form of government the provisions of KRS 89.230 and subsection (1) of KRS 89.590 shall apply.

Sec. 8. (1) Except as provided in Sections 9 and 10 of this Act, the city legislative body, in the original ordinance providing for the making of any public improvement, shall provide that the improvement be made at the exclusive cost of the owners of benefited property, as defined in Section 11 of this Act, or shall have the alternative of providing that the city shall pay a specified part of the cost and the owners of benefited property shall pay the balance.

(2) Benefited property owned by the city, county, state, or

owned by the Federal government or any of its agencies if such property is subject to assessment by Act of Congress, shall be assessed the same as private property, and the amount of the assessment shall be paid by the city, county, state or Federal government, as the case may be. The same right of action shall lie against the county as against a private owner. In the case of property owned by the state, the amount of the assessment shall be certified by the city treasurer to the Department of Finance, which shall thereupon draw a warrant on the State Treasurer for the amount, payable to the city treasurer, and the State Treasurer shall pay the warrant out of any money in the State Treasury not otherwise appropriated. For the purposes of this subsection, all public school property shall be deemed to be property owned by the state.

(3) No property shall be exempt from assessment.

Sec. 9. (1) In the case of intersections of sidewalks, sewer lines or water lines, the city legislative body, in the original ordinance providing for the public improvement that includes the intersection, shall have the alternative of providing that the city shall pay the entire cost of the intersection or that the cost of the intersection shall be included in the overall cost of the improvement and apportioned and assessed accordingly.

(2) For the purposes of this section, a sidewalk intersection shall be deemed to include any extension of a sidewalk from the property owner's line to the curb line.

(3) For the purposes of this section, a sewer line or water line intersection shall be deemed to consist of so much of the sewer or water line as lies below the area of a street intersection.

Sec. 10. (1) In the case of street intersections, the city legislative body, in the original ordinance providing for the public improvement that includes the intersection, shall have the alternative of providing that the city shall pay the entire cost of the intersection, or that the cost shall be apportioned and assessed as provided in subsections (2) and (3) of this section. In every case the cost of the intersection shall be deemed to be a separate item of cost, and there shall be included in the cost of the intersection a proportionate part of the financing costs and other incidental costs of the whole improvement project.

(2) The cost of the intersection shall be divided into as many parts as there are entrances to the intersection, two entrances being counted for each street that continues through the intersection. Measuring a distance of one block each way from the intersection, each such block shall be chargeable with one part of the cost of the intersection. The real estate abutting upon both sides of the street within each such block shall be deemed to constitute benefited property, and shall be assessed as provided in this Act for other benefited property, it being understood that in the case of benefited property abutting on the street that is being improved the assessment for the cost of the intersection shall be added to the assessment for the street improvement and treated as one assessment.

(3) Where the city legislative body has not elected that the city shall pay the entire cost of a street intersection, but has elected that the city shall pay a proportionate part of the entire cost of the street improvement project that includes the intersection, the city shall pay such proportionate part of the cost of the intersection.

Sec. 11. (1) In the case of street improvements, the benefited property shall consist of all real estate abutting upon both sides of the portion of the street to be improved, and, with respect to intersections, the real estate that constitutes benefited property under Section 10 of this Act.

(2) In the case of sidewalk improvements, the benefited property shall consist of all real estate abutting on the side of the street on which the improvement is to be made, for the distance of the improvement.

(3) In the case of sewer line or water line improvements, the benefited property shall consist of all real estate abutting on both sides of the public way under or along which the line is to be constructed, for the distance of the improvement.

(4) In the case of a sewerage system improvement, the benefited property shall consist of all real estate that will be benefited thereby within a benefited area as determined and fixed by the city legislative body in the original ordinance providing for the improvement. In the ordinance providing for such an improvement, the city legislative body may specify a plan for future

extension of sewer lines to property not immediately benefited by the sewerage system improvement, and classify such property as potentially benefited. The city legislative body shall then determine what portion of the cost of the improvement is properly chargeable to the potentially benefited property, on the same basis as immediately benefited property, enter the same upon the records as a deferred assessment, and cause the total thereof to be paid out of the general funds of the city. If within ten years thereafter a sewer line shall be constructed that will serve any of such potentially benefited property, the amount of the deferred assessment properly chargeable thereto may be included as part of the cost of the sewer line improvement, and assessed against the property owners accordingly.

Sec. 12. (1) Subject to the provisions of Section 13 and 14 of this Act, whenever the benefited property with respect to any public improvement consists of abutting real estate, the cost of the improvement, to the extent that it is to be assessed against benefited property shall be assessed and apportioned equally according to the number of front or abutting feet.

(2) Whenever the benefited property with respect to any public improvement consists of real estate within a designated benefited area, the cost of the improvement, to the extent that it is to be assessed against benefited property, shall be assessed according to the benefits received, as determined by the city legislative body.

Sec. 13. With respect to any public improvement the cost of which is to be assessed on the basis of front or abutting feet, the city legislative body may provide, in the original ordinance for the improvement, that in the case of corner lots along the side of which the improvement extends, and against which, within ten years next preceding the date of the ordinance, an assessment was made for an improvement of the same class upon an intersecting street, the corner lot, to the extent its footage along the proposed improvement does not exceed 120 feet, shall be exempt from assessment for the distance of one-half of such footage or for a distance equal to the lot's frontage on the intersecting street, whichever is less, and in apportioning the cost of the improvement among the various property owners such exempt footage shall not be counted as assessable footage.

Sec. 14. In the case of a sewer line or water line improvement any lot or parcel of real estate that abuts upon the public way under or along which the sewer line or water line is constructed shall, if the sewer line or water line extends to and reaches either property line of the lot or parcel on the public way so as to be available for service to the lot or parcel, be assessable according to the total number of feet of the lot or parcel that front or abut upon the public way, to the drainage limit or watershed dividing line, the same as if the sewer line or water line extended along all of such frontage. For the purposes of this section, any piece of real estate occupied and used as the grounds and yard area of a single dwelling shall be deemed to be one lot or parcel, notwithstanding that the same may be platted as separate lots.

Sec. 15. (1) Any assessment for a public improvement that exceeds 65% of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to the excess.

(2) The city legislative body shall provide for the payment, out of the general funds of the city, of any excess assessment that is void under this section. In determining the value of a lot or parcel of real estate for the purposes of this section, any building or similar improvement or appurtenance thereon at the time said assessment is levied shall be included, and the enhancement of value as a result of the public improvement for which the assessment is being made shall also be taken into consideration.

Sec. 16. (1) Before the commencement of work on any public improvement, for any portion of the cost of which an assessment is to be made against benefited property, the city legislative body shall advertise for bids, and, except as provided in subsection (2) of this section, a contract for the work shall be let to the lowest and best bidder; however, the city legislative body may reject all bids and readvertise. The advertisement shall be published in a newspaper of general bona fide circulation in the city, once a week for two consecutive weeks prior to the day set for opening the bids. The city legislative body may require cash deposits or other guarantees from bidders to insure compliance with their bids, with forfeiture to the city if the accepted bidder fails to comply with his bid.

(2) The city legislative body may provide, in the ordinance providing for the making of any public improvement, that the city may do the work with its own forces and equipment. In that case the city shall prepare, prior to the opening of bids, an estimate of costs for the work, which estimate shall be read publicly at the time of opening the bids for the work, and which estimate must be itemized in the same classification as the bids. If the city's estimate is lower than any of the valid bids received, the city may then do the work with its own forces and equipment, and the costs as stated in the city's estimate shall not be exceeded in apportioning the cost thereof among the benefited property owners.

Sec. 17. The city legislative body may require bond of the contractor for any public improvement, with surety, for the performance of the work in accordance with the contract, and a guarantee of the work for such time as the city legislative body may require.

Sec. 18. The city legislative body may authorize periodic progress payments to the contractor for any public improvement, after inspection, out of such funds as have been set aside to meet the portion of the cost of the improvement which the city is to pay, or out of the general funds of the city not immediately required for some other purpose. Any payments so made out of general city funds shall be deemed to be advancements in anticipation of the collection of improvement tax assessments, and shall be repaid to the city out of the first proceeds from the collection of such assessments or out of the proceeds from the sale of improvement bonds. The city legislative body also may provide, in the contract for any public improvement, for payment of interest to the contractor on any unpaid portion of the contract price, at a rate not exceeding six percent per annum, commencing 60 days after final acceptance of the work.

Sec. 19. (1) When a public improvement has been made and the contract therefor completed, the city engineer, or, where the city does not have an engineer, such other officer as may be designated for the purpose by the city legislative body, shall prepare a full and complete certificate of apportionment, showing the total cost of the improvement, the number of assessable units

of benefited property, according to the basis of assessment as fixed pursuant to Section 12 of this Act, the cost per assessment unit, the names of the owners of the benefited property, the number of assessable units owned by each person, the proportionate part of the cost of the improvement to be assessed against the benefited property of each owner, and the proportionate part of the cost payable by the city. The certificate shall be delivered to the city clerk, to be by him transmitted to the city legislative body.

(2) Where the work on a public improvement has been done by contract, the city legislative body, upon receipt of the certificate of apportionment, shall designate a standing or special committee of the body, or the board of public works if there is one for the city, to inspect the work and report to the city legislative body as to whether the same should be accepted. The committee or board shall fix a time and place at which it will inspect the work. The city clerk shall then cause to be published in one issue of a newspaper of general circulation in the city, a notice stating the time and place so fixed for inspection of the work. The property owners concerned, or their agents or representatives, may appear and be heard before the committee or board as to whether the improvement has been made in accordance with the ordinance authorizing the work and the contract therefor.

(3) When the committee or board designated to inspect the work is satisfied that the work should be accepted, it shall so report to the city legislative body. Thereupon the city legislative body shall consider the engineer's certificate of apportionment and the report of the committee or board which inspected the work, and may then accept the work and confirm the engineer's certificate of apportionment, or, if it is of the opinion that the work has not been done in accordance with the contract or that the certificate of apportionment is incorrect, it may require the contractor to complete the work in accordance with the contract or it may modify the apportionment of costs to conform to the facts, or both.

(4) The acceptance of the work and confirmation of the apportionment of cost shall be by ordinance, and the city legis-

lative body shall, in the same ordinance, apportion the cost of the improvement, less such part as is to be paid by the city, among the owners of benefited property according to the basis of assessment fixed in the original ordinance providing for the improvement, and shall levy a tax upon each lot or parcel of benefited property for the amount of the cost apportioned thereto. An abstract of the ordinance shall be published in the manner provided by law for general ordinances of the city.

(5) At the same time the ordinance of apportionment and levy is published, or within one week thereafter, the city treasurer shall give notice, by publication in one issue of a newspaper of general bona fide circulation in the city, requiring all property owners to pay the improvement tax levied upon their property within 30 days after the day of publication of the abstract of such ordinance.

Sec. 20. The city legislative body, in its ordinance of apportionment and levy adopted under Section 19 of this Act, may make allowances and grant credit to property owners for improvements previously made by them to the extent, and only to the extent, that such existing improvements are of value and utility as a part of the improvement for which the improvement tax is levied, and may prescribe a plan or system for fixing and determining such allowances and credits.

Sec. 21. In any action arising under or in connection with this Act, a copy of the original ordinance providing for the making of the public improvement, and a copy of the ordinance of apportionment and levy, each attested by the city clerk, shall be prima facie evidence of the due passage, approval and publication of the ordinances and of the due execution and approval of the contract. The named documents shall also be prima facie evidence of every other fact necessary to be established to enable enforcement of an improvement tax and lien against benefited property.

Sec. 22. The improvement tax levied pursuant to Section 19 of this Act shall be due and payable at the office of the city treasurer thirty days after the day of publication of the ordinance of apportionment and levy, subject to deferment when the installment payment plan is adopted and accepted as provided in

Section 25 of this Act. Any tax that is not paid when due shall bear interest at the same rate that is applicable to general city taxes, which interest shall commence to run as of the due date of the improvement tax and shall continue to run and be chargeable as provided in Section 24 of this Act.

Sec. 23. Each improvement tax, together with the interest thereon, shall constitute a lien on the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county court clerk's office at the time of the adoption of the resolution required by subsection (2) of Section 3 of this Act and shall take effect upon the publication of the ordinance of apportionment and levy provided for in Section 19 of this Act, and thereupon shall take precedence over all other liens, whether created prior or subsequent to the publication of the ordinance, except state and county taxes, general municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale, by any mortgage or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the city legislative body shall exempt any property from the lien for the improvement tax, or the payment of the tax, after the work has been done and accepted. The city legislative body or the courts in which suits are pending shall make all corrections, rules and orders to do justice to all parties concerned.

Sec. 24. (1) Any improvement tax that is due and not paid prior to the next time for making out regular city tax bills may be placed upon the regular tax bill. The tax and accrued interest as of the tax due date shall be entered upon the bill for the face amount thereof, with a designation of the date as of which the tax commenced to bear interest. If the property owner desires to pay the improvement tax prior to the date on which the regular city taxes or any portion thereof become due, he shall be required to pay such interest as has actually accrued.

(2) If an improvement tax placed on the regular city tax bill is not paid prior to the date on which the regular city taxes covered by such bill, or any portion thereof, become subject to penalty and interest, the improvement tax and accrued interest

as of the tax due date shall then be subject to penalty and interest the same as the regular city taxes, and the tax shall be collectible and be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply.

(3) An improvement tax may be paid to the officer who is authorized to receive payments of regular city taxes. However, no discount allowable for early payment of regular city taxes shall be allowed for early payment of an improvement tax.

(4) A city may place improvement taxes on separate bills instead of on regular tax bills, and in such case the improvement tax, or any portion thereof, if not paid prior to the date on which the next regular city taxes become subject to penalty and interest, shall then become subject to the same penalty and interest as regular city taxes and shall be collectible and shall be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply.

Sec. 25. (1) In the original ordinance providing for a public improvement, the city legislative body shall have the alternative of providing that the improvement tax may, at the option of the property owners subject to the tax, be payable in installments, as provided in this section and in Section 26 of this Act. Any property owner who desires to exercise this option shall, before the expiration of 30 days from the day of publication of the abstract of the ordinance of apportionment and levy, enter into an agreement in writing with the city that in consideration of this privilege he will make no objection to any illegality or irregularity in the assessment, levy or imposition of the tax against his property, and that he will pay the tax in the manner provided in Section 26 of this Act. Any property owner entering into such an agreement shall be concluded thereby, and shall waive any defense against the payment of the tax. The agreement shall be filed in the office of the city treasurer, who shall preserve it as part of the records of his office.

(2) If any property subject to improvement tax is owned by an infant or a person of unsound mind or a life tenant, or is property which has descended by inheritance or will, the agree-

ment provided for in this section may be executed by the statutory guardian of the infant, or the committee or curator of the person of unsound mind, or the life tenant, or the heirs at law, or devisees, or the personal representative of the deceased owner of such property.

(3) In all cases where agreements have not been filed within the time specified in subsection (1) of this section, the entire improvement tax shall be payable in cash, and shall be subject to interest, as provided in Section 22 of this Act.

(4) Unless persons who, in the aggregate, are liable for at least $1,000 in improvement taxes exercise the option to pay on the installment plan, the option shall terminate as to all property owners, and the entire tax shall be payable in cash and be subject to interest as provided in Section 22 of this Act. In such case the property owners who have made payments under the installment option shall be credited for the amounts paid.

Sec. 26. In cases where the installment payment plan becomes operative, the installments and interest shall be payable as follows:

(1) If the next due date for regular city taxes will occur less than six months from the original due date for the improvement tax, as fixed by Section 22 of this Act, the property owner, at the time he executes the installment option agreement, shall pay to the city treasurer an amount equal to interest on the total amount of the improvement tax assessed against him, at the same rate of interest applicable to regular city taxes, computed from the original due date for the improvement tax to a date six months beyond the next due date for regular city taxes.

(2) If the next due date for regular city taxes will occur more than six months from the original due date for the improvement tax, the property owner, at the time he executes the installment option agreement, shall pay to the city treasurer the first installment of one-tenth of his total improvement tax, together with an amount equal to interest on the unpaid installments of the tax, at the same rate of interest applicable to regular city taxes, computed from the original due date for the improvement tax to a date six months prior to the next due date for regular city taxes.

(3) In the situation contemplated by subsection (1) of this section, an installment equal to one-tenth of his total improvement tax shall be payable by the property owner at the second succeeding due date for regular city taxes following the original due date for the improvement tax, and annually thereafter an additional one-tenth shall be due until the tax is paid.

(4) In the situation contemplated by subsection (2) of this section, the second installment of one-tenth of his total improvement tax shall be payable by the property owner at the due date for regular city taxes next following the original due date for the improvement tax, and annually thereafter an additional one-tenth shall be due until the tax is paid.

(5) At the time an installment is due, under either subsection (3) or (4) of this section, there shall also be due interest for one year on the installments that will thereafter remain unpaid, plus interest for six months on the installment then being paid, except that when the last installment is paid the only interest due shall be six months' interest on the installment then being paid. The interest shall be at the rate applicable to regular city taxes.

(6) The city treasurer may cause to be placed upon the regular city tax bills each installment due under subsection (3) or (4) of this section, with the interest payments due under subsection (5) of this section added thereto so as to make one sum. If such sum is not paid by the date the regular city taxes covered by the bill are due, the sum shall bear interest, at the rate applicable to regular city taxes, from that date until the date as of which the regular city taxes covered by the bill become subject to interest and penalty. The sum shall then become subject to interest and penalty the same as the regular city taxes, and shall be collectible and be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply. The provisions of subsection (3) of Section 24 of this Act shall apply to improvement tax installments placed on the regular city tax bill.

(7) Any property owner may, at any due date for an installment when five or less installments of his improvement tax remain to be paid (counting the installment then due), pay the entire

amount of the unpaid tax, together with six months' interest on that amount, which shall constitute full payment of the tax.

Sec. 27. The provisions of Section 23 and subsection (4) of Section 24 of this Act shall be applicable to improvement tax installments.

Sec. 28. (1) The city treasurer shall, upon order of the city legislative body, promptly apply all money paid in on improvement tax installments, including interest and penalties, to the payment of bonds and coupons issued in anticipation of the collections of the taxes. If the fund accumulated from the collection of installments, interest and penalties for any particular improvement is more than sufficient to pay the principal and interest of the bonds issued in anticipation of the collections, such excess shall be deposited into the general fund of the city. If there is any deficit, the city legislative body may provide for its payment out of the general funds of the city.

(2) The installments, interest and penalties collected on account of any one improvement unit shall be recorded in a separate account. Collections for the account of any and all such improvement units may be deposited and kept in a single depository or fund, but money from such depository or fund may be disbursed only for interest or in redemption of bonds issued for a particular improvement and only when the account balance of such improvement unit evidences the availability of money for such disbursement; provided. however, that money collected in excess of said interest and redemption requirements for any improvement unit may, after the amount is determined by an independent auditor, be transferred to the general fund of the city.

Sec. 29. (1) To provide a fund for the immediate payment of the cost of any public improvement made on the installment payment plan, the city legislative body may issue and sell improvement bonds in anticipation of the collection of that part of the improvement taxes that may not be paid at the original due date for the tax as fixed by Section 22 of this Act, pledging the taxes and the liens on the property for the payment of the principal and interest of the bonds, and apply the proceeds exclusively to the payment of the cost of the particular improvement in an-

ticipation of the collection of the taxes for which the bonds are issued. The bonds shall bear date 30 days after the original due date for the improvement tax, and shall be made payable to bearer. The bonds for each separate improvement shall be numbered consecutively throughout. Where the tax will be payable in the manner provided in subsections (1) and (3) of Section 26 of this Act, the bonds shall be divided into ten series. Where the tax will be payable in the manner provided in subsections (2) and (4) of Section 26 of this Act, the bonds shall be divided into nine series. The series in each case shall be as nearly equal as practicable.

(2) The bonds shall be of the denomination of $100 or its multiple. Any odd amount over $100 or its multiple may be included in the last bond to mature. No bond shall be issued for less than $100. The bonds shall have the name of the improvement for which they are issued printed, engraved or written thereon, and shall state the character of the improvement.

(3) The bonds, with interest, shall be payable at the depository designated by the city. Where the bonds are divided into ten series, the first series shall be payable 30 days after the first installment of the tax becomes due, as provided in subsection (3) of Section 26 of this Act, and the remaining series shall be payable one each year thereafter for nine years. Where the bonds are divided into nine series, the first series shall be payable 30 days after the second installment of the tax becomes due, as provided in subsection (4) of Section 26 of this Act, and the remaining series shall be payable one each year for eight years. The bonds in every case shall bear interest at a rate not exceeding six percent per annum from the date of the bonds. If the first series of bonds is payable more than one year after the date which the bonds bear, an initial interest payment shall be payable on a date six months prior to the due date of the first series, covering the interest accrued on all series to that date. If the first series of bonds is payable less than one year after the date which the bonds bear, the initial interest payment covering accrued interest on all series shall be payable on the due date of the first series. After the initial interest payment, interest on all unpaid bonds shall be payable semi-annually at the end of each six months.

All bonds shall have suitable coupons attached thereto evidencing the initial and semi-annual interest.

(4) The bonds and coupons shall be signed by the mayor (in cities of the sixth class the chairman of the board of trustees) and countersigned by the treasurer, but the coupons may be signed by lithograph. The city clerk shall attest the signatures to the bonds under the city seal. It shall not be necessary in the bonds to recite the steps taken in ordering the improvement or in assessing the improvement tax, but it shall be sufficient to make a general reference to those proceedings and to this Act. The bonds shall be negotiable and shall be free from all defenses by any property owner.

(5) The bonds shall be exempt from all taxation. They shall not be sold for less than par and accrued interest, but if no offer is made for the bonds equal to par and accrued interest, the city may turn them over to the contractor in full payment of the contract price of the improvement for which they are issued.

(6) Any premium realized from the sale of the bonds shall go into the fund for the payment of the bonds and interest.

(7) Several public improvements of the same class may be combined and treated as one unit for the purpose of issuing bonds.

Sec. 30. (1) Improvement bonds issued under this Act, and the interest thereon, shall be payable exclusively out of funds actually collected by the city on account of the improvement taxes in anticipation of which the bonds are issued, and except as provided in Section 15 and Section 31 of this Act the city shall in no event be liable on any such bond except to the extent of funds so actually collected.

(2) Bonds of the last four series of any issue shall be subject to payment and redemption at any interest-paying date that occurs within five years of the due date of the bonds. The city treasurer shall give the owner of the bond proposed to be redeemed at least 20 days' notice by registered letter. The owner of any bond subject to redemption shall notify the city treasurer of his post office address and any changes therein and the city treasurer shall keep a record of the address opposite the number

of the bond on his records. The notice shall be directed to the recorded address, and if no address is recorded the notice shall be directed to such owner at his last known address. The bond specified in the notice shall bear no interest after the date fixed for its redemption, and this provision shall be shown in substance on the bonds. Mailing the registered letter 20 days before the time fixed for redemption shall be deemed a compliance with this subsection.

(3) After the issue of bonds no suit shall lie to enjoin or resist the collection of any improvement tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped from assailing the effectiveness or validity thereof, nor shall any suit be brought or defended on the ground that the assessment exceeded the maximum percentage of the value of the real estate levied against as provided in Section 15 of this Act.

(4) The bonds shall convey to the owners thereof all right, title and interest in the improvement taxes and liens on the benefited property, which liens, until released after payment, shall stand as security for the bonds and coupons until they are paid. If any bond or coupon is not paid on presentation, the owner thereof may maintain an appropriate action to compel the city to enforce collection of the improvement taxes under the remedies provided in this Act, and in such an action it shall not be necessary to make the other bondholders parties; the proceeds of the action shall be paid into the city treasury for the redemption of matured bonds and coupons as if paid without suit.

Sec. 31. (1) When a city has been authorized to incur an indebtedness for a public improvement at an election by the voters thereof held pursuant to law, either before or after the improvement is made, the city legislative body may, to the extent of such authorization, issue and sell bonds of the city in anticipation of the collection of the improvement taxes assessed for the improvement, pledging the faith and credit of the city, in addition to the improvement taxes and liens provided for in this Act, for the payment of the principal and interest of the bonds. The bonds shall constitute an indebtedness of the city, for the payment of which, with interest, the city shall be liable in its cor-

porate capacity. The bonds shall be issued and sold as provided by law for other city bonds.

(2) The city legislative body shall provide for the collection of an annual tax sufficient to pay the interest on the bonds, and to create a sinking fund for the payment of the principal within the period of time, not exceeding ten years, provided for the payment of the improvement taxes in anticipation of which the bonds are issued. In any year in which the collections from the improvement taxes are sufficient to pay the interest on the bonds and to provide the necessary sinking fund, it shall not be necessary for the city to collect any general tax for that purpose, and in any year it shall be necessary for the city to collect only an amount of general taxes sufficient, when added to the improvement taxes collected for the improvement, to meet the requirements of this section.

(3) Upon payment by the city of any bond issued under this section, the city shall become the owner thereof, and be subrogated to the rights of the bondholder. Thereafter all collections of improvement taxes, in anticipation of which the bond was issued, shall belong to the city.

Sec. 32. (1) Unless otherwise provided by law or otherwise provided by the franchise or contract pursuant to which a railroad company or street railway company occupies a public way with its tracks, the cost of improving that portion of the public way occupied by the tracks of the railroad or street railway company shall be assessed against the company, and an improvement tax shall be levied upon all the property, assets and franchises of the company in the city for the payment thereof. The tax shall be levied and assessed, shall be payable, collectible and bear interest, and shall constitute a lien, in the same manner and under the same provisions as provided in this Act for improvement taxes against benefited property generally. The company shall have the same privilege of paying the tax on the installment plan, and under the same terms and conditions, as provided in this Act for other property owners.

(2) A railroad company or street railway company may construct its own part of the proposed public way improvement, and if it does so no tax shall be assessed against it, but the com-

pany shall, before the letting of the contract for the improvement, elect, by written request presented to the city legislative body, to construct its part of the improvement, and execute a bond to the city with surety to be approved by the city legislative body, conditioned that it will do the work of improving such part of the public way with the materials, according to the plans and specifications, within the time, and subject to the provisions prescribed by the ordinance therefor.

Sec. 33. (1) The cost of maintenance and repair of water lines, sewer lines, and sewerage systems, as distinguished from the cost of improvement thereof, shall be paid by the city, except that nothing in this Act shall affect any power which a city may have under other laws to impose a rental or service charge for the use of water lines, sewer lines or sewerage systems and to use the proceeds thereof for the purpose of operation, repair and maintenance.

(2) The city legislative body may cause any work it deems necessary to be done with respect to the repair and maintenance of public ways, water lines, sewer lines and sewerage systems.

Sec. 34. Sections 94.180 to 94.270, 94.290 to 94.350, 94.380 to 94.490, and 94.580 to 94.660 of the Kentucky Revised Statutes are repealed, except that they shall continue to apply to and govern any public improvement initiated thereunder prior to the effective date of this Act, with respect to all procedures, rights and obligations affecting or arising out of such improvement.

Sec. 35. Whereas, This Act materially aids in the efficient and economical development of public improvements and it is therefore essential that it become operative during the impending construction season, an emergency is declared to exist, and this Act shall take effect upon its passage and the approval of the Governor.

Mr. McClain moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Harold G. Helm	James H. Polsgrove
Edgar Arnett	William K. Henry	Leonard W. Preston
Sidney Baer	E. R. Hilton	Hobart Rayburn
Clarence J. Barnum	Ray Holbrook	W. R. Reasor
Leonard T. Bean	Woodrow W. Hollan	Carl J. Ruh
Fred Beshear	Chester J. Holsclaw	Amos Runyan
R. O. Blevins	W. M. Horn	LeRoy Saylor
Edward O. Bridgers	Richard R. Houpt	Roy Searcy
Charles J. Bronston	Durham W. Howard	Paul E. Shannon
Mrs. M. E. Burnett	Maurice G. Howard	James S. Shaw
Charles W. Burnley	Silas Jacobs	Gus Sheehan, Jr.
Alex Calvert	Paul S. Jonas	Jesse H. Shelton
Stanley Carter	James W. Lambert	Forest Smith
R. Josh Cosby	Jesse H. Lawrence	J. Claude Stacy
B. H. Crider	Mrs. J. T. Linton	Roy Steers
Owen Deering	A. L. (Chick) Love	Raymond D. Stigall
G. I. Drury	True Mackey	Egbert V. Taylor
Thomas R. Duncan	G. Lee McClain	M. G. Thompson
R. C. Estepp, Sr.	Jack McPherron	Fred M. Warns
Mitchell S. Fannin	Archie R. Moore	Harry Lee Waterfield
C. A. Hammons	Emmett G. Moore	Lyle H. Webb
James P. Hanratty	C. S. Nabb	G. F. Williamson
George F. Harris	Dr. C. E. Palmore	Charles W. Wirsch
John A. Head		

—70

Resolved that the title thereof be as aforesaid.

Mr. Rayburn moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 277. AN ACT relating to a Constitution Review Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There is created a Constitution Review Commission, to consist of seven members to be appointed by the Governor, one from each appellate court district in the state. The members shall be appointed for terms of four years each, commencing as of July 1, 1950, except that upon the first appointment one member shall be appointed for a term of one year, two for terms of two years, two for terms of three years, and two for terms of four years. All members shall serve until their successors are appointed and have qualified. Vacancies occurring prior to the expiration of a term shall be filled by appointment by the Governor for the unexpired term. The commission shall annually elect one of its number chairman and another secretary. The commission shall meet upon the call of the chairman or of any three members, at such time and place as may be designated in the call. The commission shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes.

Sec. 2. The members of the Constitution Review Commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and otherwise in the performance of their duties. The commission may appoint, and remove in its discretion, any

assistants necessary to the discharge of its duties, and shall fix the compensation of its assistants within the limits of the appropriations made to the commission and in conformance with the personnel classification and salary schedules prescribed by the Division of Personnel.

Sec. 3. The Constitution Review Commission shall carry on a continuous program of study, review and reexamination of the Constitution of Kentucky, continuing the program initiated by the temporary commission appointed pursuant to Executive Order of the Governor On February 1, 1949. The program shall be so designed and carried on as to determine to what extent the Constitution requires amendment or revision; to analyze and appraise suggestions for amendment or revision advanced by interested persons or groups; and to secure a considered public opinion respecting proposals for amendment or revision. The commission shall prepare and propose in detail, and publicize in such manner as it deems proper, such amendments or revisions of the Constitution as in its opinion will promote the interests and welfare of the Commonwealth. The commission shall report to the General Assembly at each of its regular sessions, showing in detail the results of its labors, and setting forth its recommendations for legislative action. If so requested by the Governor, the commission shall also report to the General Assembly at extraordinary sessions. The commission shall make such progress reports to the Governor as may be required by him. If at any time a Convention shall be held to revise or amend the Constitution, the commission shall advise and assist that body as far as may be possible, and shall report to it as and when requested.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	James P. Hanratty	Archie R. Moore
Sidney Baer	George F. Harris	Walter R. Moorman
Clarence J. Barnum	Paul E. Hayes	C. S. Nabb
C. E. Baumgardner	John A. Head	James H. Polsgrove
Leonard T. Bean	William K. Henry	Hobart Rayburn
Fred Beshear	E. R. Hilton	W. R. Reasor
R. O. Blevins	Ray Holbrook	Carl J. Ruh
L. E. Bradley	Woodrow W. Hollan	Amos Runyan
Edward O. Bridgers	Chester J. Holsclaw	Roy Searcy
Charles J. Bronston	W. M. Horn	Paul E. Shannon
J. D. Buckman, Jr.	Robert N. Hubbard	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Paul S. Jonas	Jesse H. Shelton
Charles W. Burnley	Barkley Jones	Forest Smith
Alex Calvert	Mrs. J. T. Linton	Raymond D. Stigall
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	Egbert V. Taylor
Owen Deering	True Mackey	M. G. Thompson
G. I. Drury	Damon Majors	Rev. T. H. Tinsley
Thomas R. Duncan	G. Lee McClain	G. F. Williamson

—57

Those who voted in the negative were—

Bill Adams	Homer E. Losey	LeRoy Saylor
Thomas L. Britton	John Martin	James S. Shaw
R. C. Estepp, Sr.	Alton Mitchell	Roy Steers
Harold G. Helm	Emmett G. Moore	Fred M. Warns
Durham W. Howard	Dr. C. E. Palmore	Lyle H. Webb
James W. Lambert	Leonard W. Preston	Charles W. Wirsch
Jesse H. Lawrence		

—19

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and a resolution of the following titles, viz:

H. B. No. 121. AN ACT relating to juries in police courts in cities of the second class.

H. B. No. 122. AN ACT relating to the taking of depositions in a criminal case, amending Section 153 of the Criminal Code of Practice.

H. B. No. 199. AN ACT providing for flood control districts, as political subdivisions of the Commonwealth of Kentucky, to maintain and operate flood control works.

H. B. No. 254. AN ACT to provide that utility companies serving counties containing cities of the first class shall furnish to the County Tax Commissioner the names and addresses of their customers, including changes thereof.

H. B. No. 259. AN ACT amending and reenacting KRS 100.096 relating to zoning and planning in cities of the first class and counties containing such cities.

H. B. No. 281. AN ACT relating to income taxation.

H. B. No. 302. AN ACT relating to teachers' retirement allowances, increasing the minimum allowance and appropriating the necessary sums for that purpose.

H. B. No. 334. AN ACT relating to who may be present with the grand jury.

H. B. No. 373. AN ACT relating to impersonation of an officer, agent or employe of the Department of Kentucky State Police and providing a penalty therefor.

H. B. No. 383. AN ACT relating to payment of money to persons under a disability, amending Section 387.280 of the Kentucky Revised Statutes.

H. B. No. 389. AN ACT relating to the training and certification of public school personnel.

H. B. No. 426. AN ACT relating to the State Board of Health, amending Section 211.040 of the Kentucky Revised Statutes.

H. B. No. 431. AN ACT concerning the issuance of bonds for the benefit of Municipal Universities and the requirements thereof.

H. B. No. 443. AN ACT relating to certain corporations and associations subject to supervision of the Division (or Department) of Insurance.

H. B. No. 464. AN ACT to amend Section 279.210 of the 1948 edition of the Kentucky Revised Statutes.

H. B. No. 466. AN ACT relating to taxes on legal actions, proceedings and appeals, including provisions for the disposition of the revenue derived therefrom.

H. Res. No. 45. A JOINT RESOLUTION granting to W. J. Curtis the right of sepulture in Blue Licks Battlefield State Park, with provisions for a suitable plaque to make his grave.

Ordered that said bills and said resolution be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had adopted a resolution which originated in this body of the following title, viz:

H. Res. No. 48. A RESOLUTION designating, as "Governor Fields Memorial Highway," that portion of Highway No. 165 leading from Mt. Olivet, in Robertson County, to the intersection with Highway No. 68 at Blue Licks Battlefield Park.

The message which was received from the Senate also announced that they had passed a bill which originated in this body of the following title, viz:

H. B. No. 369. AN ACT amending Section 149.300 of the Kentucky Revised Statutes, relating to setting of fires near woodland areas, or brushland areas.

With amendments thereto as proposed and adopted by the Senate.

(For bill see H.J. of March 8, 1950, ante)

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz:

Amendment No. 1. Page 1, line 9, by striking out the word "three" after the word "within" and before the word "hundred" and inserting in lieu therefor the word "two."

Amendment No. 2. Page 2, by striking out lines 12 and 13 and inserting in lieu therefor the following:

"This section shall not apply to fires which may be set for the purpose of burning tobacco plant beds, nor to fires which may be set within the corporate limits of any city, nor to the burning of weeds, high grass and decayed timber under the supervision of a competent railroad employee on any railroad right-of-way that is being cleared of such material in compliance with KRS 277.220 (2), provided any such fire set by any railroad employee shall be extinguished before the employee leaves the vicinity of the fire."

Said amendments to said bill as proposed and adopted by the Senate were each and severally concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	J. D. Buckman, Jr.
Sidney Baer	R. O. Blevins	Mrs. M. E. Burnett
Clarence J. Barnum	L. E. Bradley	Alex Calvert
C. E. Baumgardner	Charles J. Bronston	Stanley Carter

Paul Combs	W. M. Horn	Carl J. Ruh
R. Josh Cosby	Durham W. Howard	Amos Runyan
B. H. Crider	Robert N. Hubbard	Dr. Roy Sanders
Owen Deering	Silas Jacobs	Roy Searcy
G. I. Drury	Barkley Jones	Paul E. Shannon
Thomas R. Duncan	Jesse H. Lawrence	James S. Shaw
R. C. Estepp, Sr.	Mrs. J. T. Linton	Gus Sheehan, Jr.
Henry C. Hale	A. L. (Chick) Love	Forest Smith
C. A. Hammons	Harry K. Lowman	Raymond D. Stigall
James P. Hanratty	True Mackey	Mrs. Thelma Stovall
George F. Harris	William T. Marshall	Egbert V. Taylor
Paul E. Hayes	Jack McPherron	M. G. Thompson
John A. Head	Walter R. Moorman	Rev. T. H. Tinsley
Harold G. Helm	Fred H. Morgan	Fred M. Warns
William K. Henry	C. S. Nabb	Lyle H. Webb
E. R. Hilton	Dr. C. E. Palmore	Charles W. Wirsch
Ray Holbrook	W. R. Reasor	—62

Those who voted in the negative were—

Edgar Arnett	John Martin	Leonard W. Preston

—3

Mr. Hanratty moved that the vote by which said bill was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 69. AN ACT relating to telephone cooperative, nonprofit corporations, rural telephones and telephone services; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. *Definitions*: As used in this Act, unless the context requires otherwise:

(1) "Cooperative" means any corporation organized under this Act or which becomes subject to this Act in the manner hereinafter provided.

(2) "Person" means any natural person, firm, association, corporation, business trust or partnership.

(3) "Telephone service" means any communication service whereby voice communication through the use of electricity is the principal intended use thereof, and shall include all telephone lines, facilities or systems used in the rendition of such service.

(4) "Acquire" means to construct, purchase, obtain by lease, devise, gift or by eminent domain, or to obtain by any other lawful means.

(5) "Board" means the board of trustees of a corporation formed under this chapter.

(6) "Federal Agency" means and includes the United States, the President of the United States, and all Federal authorities, instrumentalities and agencies in the ordinary sense.

(7) "Improve" means to construct, reconstruct, extend, enlarge, alter, better or repair.

(8) "Member" means and includes each person signing the articles of incorporation of a corporation formed under this Chapter, each person later admitted to membership according to Law or according to the articles of incorporation or bylaws of the corporation and each common stockholder in a corporation, having capital stock, organized under this Chapter.

(9) "Obligations" means and includes negotiable bonds, notes, debentures, interim certificates or receipts and all other evidences of indebtedness either issued or the payment thereof assumed by a corporation organized under this Chapter.

(10) "System" means and includes any plant, works, facilities and properties, and all parts thereof and appurtenances thereto, used or useful in the operation and maintenance of telephone communication service.

(11) As used in this act, the term "Rural area" shall be deemed to mean any area of this State not included within the boundaries of any incorporated or unincorporated city, village or borough having a population in excess of fifteen hundred (1500) inhabitants.

(12) "Telephone Company" means any natural person, firm, association, corporation or partnership owning, leasing or operating any line, facility or system used in the furnishing of telephone service within this state.

Sec. 2. *Who may incorporate; purposes of incorporation.* Any five or more natural persons, a majority of whom are citizens of Kentucky, may, by executing, filing and recording articles of incorporation as provided in Sections 3 and 5 of this Act, form a nonprofit cooperative corporation to promote and encourage the fullest possible use of telephone service in this state by making facilities for such service available to persons in rural areas of the state at the lowest cost consistent with sound business methods and prudent management.

Sec. 3. *Articles of Incorporation.*

(1) The articles of incorporation of a corporation formed under this Act shall be entitled "Articles of Incorporation of ——————Rural Telephone Cooperative Corporation" and shall recite that they are executed pursuant to this Act and shall state:

(a) the name of the Corp.

(b) the address of its principal office.

(c) the names and addresses of the incorporators.

(d) the names and addresses of its trustees.

(e) a general description of the territory in which it proposes to operate.

(2) If a Cooperative desires to issue non-voting shares of stock, its articles of incorporation, in addition to the provisions of subsection (1) of this section, shall state:

(a) the total number of such shares of stock which may be issued and the par value of each share;

(b) the fixed or maximum rate of dividends on the par value of such shares of stock, in either case not exceeding four per centum per annum, and whether dividends shall be cumulative or non-cumulative.

(c) whether such shares of stock may be issued to members only or to members and non-members;

(d) the maximum number of such shares of stock which may be owned by any person;

(e) the terms and conditions on which such shares of stock may be transferred, redeemed or retired.

Sec. 4. *Name.*

The name of a cooperative shall include the words "Telephone" and "Cooperative," and the abbreviation "Inc.," unless, in an affidavit made by its president or vice-president, and filed with the Secretary of State, or in an affidavit made by a person signing articles of incorporation, consolidation, merger or conversion, which relates to such cooperative, and filed, together with any such articles, with the Secretary of State, it shall appear that the cooperative desires to do business in another state and is or would be precluded therefrom by reasons of the inclusion of such words or either thereof in its name. The name of a cooperative shall be distinct from the name of any other cooperative or corporation organized under the laws of, or authorized to do business in, this State. This section shall not apply to any corporation which becomes subject to this Act by complying with the provisions of Section (17) of this Act, or which does business in this State pursuant to Section (27) of this Act and which elects to retain a corporate name which does not comply with this section.

Sec. 5. *Filing and approval of articles; when corporation may begin business.*

(1) The incorporators shall execute four copies of the articles of incorporation, and each incorporator shall acknowledge each copy before an officer authorized to take acknowledgments of deeds. They shall then file the four copies, together with the certificate of acknowledgment, in the office of the Secretary of State. If the Secretary of State finds the articles to be legal and valid, he shall immediately endorse his approval on each of the copies, retain, record and file one copy in his office, and deliver the other three copies, with his approval endorsed thereon, to the incorporators. The incorporators shall then file one approved copy in the office of the county clerk of the

county in which the principal office of the corporation is to be located.

(2) As soon as the Secretary of State has endorsed his approval on the articles of incorporation, the proposed corporation shall be a body politic and corporate and may transact business in its corporate name.

Sec. 6. *General Powers of rural telephone cooperative corporations.* Each corporation organized under the provisions of this chapter shall have power:

(1) To furnish, improve and expand telephone service in rural areas to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum of the number of its members, provided, however, that, without regard to said ten percentum limitations, telephone service may be made available by a cooperative through inter-connection of facilities to any number of subscribers of other telephone systems, and through pay stations to any number of users; and provided, further, that a cooperative which acquires existing telephone facilities in rural areas may continue service to persons, not in excess of forty per centum of the number of its members, who are already receiving service from such facilities without requiring such persons to become members but such persons may become members upon such terms as may be prescribed in the bylaws; and provided, further, that no cooperative shall (1) construct or operate any line, facility or system in any rural area being furnished telephone service by any telephone company or other cooperative unless the Public Service Commission shall determine, after hearing on reasonable notice to all interested parties, that any such telephone company or other cooperative is unwilling or unable to furnish reasonably adequate telephone service in such area, or (2) furnish any telephone service in any area proposed to be served by any telephone company, which may be found to be ready, willing and able to serve, within such period of time as may, after hearing, be determined to be reasonable by the Public Service Commission;

(2) To construct, purchase, lease as lessee, or otherwise acquire, and to improve, expand, install, equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage,

pledge, or otherwise dispose of or encumber, telephone lines, facilities or systems, lands, buildings, structures, plants and equipment, exchanges, and any other real or personal property, tangible or intangible, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized; provided, that no cooperative shall construct, purchase, lease as lessee, take, receive, or otherwise acquire, improve, expand, install, equip, maintain, or operate any telephone lines, facilities or system, lands, buildings, structures, plants and equipment, exchanges, or any other real or personal property tangible or intangible, within the boundaries of any incorporated or unincorporated city, town, village, or borough within this State having a population in excess of one thousand five hundred inhabitants, unless said procedures or any of them are determined by the Administrator of the Rural Electrification Administration to be necessary in order to furnish or improve telephone service in rural areas, and unless said determination by the Administrator of the Rural Electrification Administration, after proper hearing on reasonable notice to all interested parties, be approved by the Public Service Commission of the Commonwealth of Kentucky. In case of such a determination by the Administrator of the Rural Electrification Administration as aforesaid with approval by the Kentucky Public Service Commission, nothing contained in this section or elsewhere provided in this chapter shall deprive any corporation organized under this chapter or foreign corporation doing business in this state pursuant to this chapter, of the power to improve, expand, construct, acquire and operate telephone lines, facilities, or systems without regard to their geographical location.

(3) To connect and interconnect its telephone lines, facilities or systems with other telephone lines, facilities or systems;

(4) To make its facilities available to persons furnishing telephone service within or without this State;

(5) To purchase, lease as lessee, or otherwise acquire, and to use, and exercise and to sell, assign, convey, mortgage, pledge or otherwise dispose of or encumber, franchises, rights, privileges, licenses and easements;

(6) To issue membership certificates and non-voting shares of stock as hereinafter provided;

(7) To borrow money and otherwise contract indebtedness, and to issue or guarantee notes, bonds, and other evidences of indebtedness, and to secure the payment thereof by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, or revenues;

(8) To construct, maintain and operate telephone lines along, upon, under and across publicly owned lands and public thoroughfares, including, without limitation, all roads, highways, streets, alleys, bridges and causeways;

(9) To exercise the power of eminent domain in the manner provided by the laws of this State for the exercise of such power by other corporations constructing or operating telephone lines, facilities or systems;

(10) To become a member of other cooperatives or corporations or to own stock therein;

(11) To conduct its business and exercise its powers within or without this State;

(12) To adopt, amend and repeal bylaws;

(13) To make any and all contracts necessary, convenient or appropriate for the full exercise of the powers herein granted; and

(14) To exercise all other powers authorized by KRS Chap. 271.

(15) To do and perform any other lawful acts and things, and to have and exercise any other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized.

Sec. 7. *Bylaws; adoption and contents.*

(1) The incorporators of each corporation organized under this chapter shall adopt for its management bylaws not inconsistent with the powers granted by this chapter. The written consent of a majority of the incorporators, evidenced by their signatures to the bylaws adopted, shall be necessary to the adoption of bylaws. The bylaws may be amended by a majority vote of the board of trustees.

(2) The bylaws may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting meetings of the members.

(b) The number of members constituting a quorum.

(c) The right of members to vote by mail, and the conditions, manner, form and effect of such votes.

(d) The number of trustees constituting a quorum.

(e) The qualifications, compensation, powers, duties and terms of office of trustees and officers, the time of their election and the manner of giving notice thereof.

(f) An executive committee and the allotment to that committee of any or all of the functions and powers of the board of trustees, subject to the general direction and control of the board.

(g) The amount of entrance, organization and membership fees, if any, the manner of collecting them and the purposes for which they may be used.

(h) The qualifications of members of the corporation and the conditions precedent to membership; the time and manner of permitting members to withdraw; the manner of assignment or transfer of the interest of a member; the conditions upon which and the time when membership of any member shall cease; the suspension of the rights of a member when he ceases to be eligible to membership in the corporation; the manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the corporation upon the death or withdrawal of a member or upon his expulsion or forfeiture of membership, or, at the option of the corporation, the purchase of the member's interest at a price fixed by appraisal by the board. The bylaws may provide that in case of the forced withdrawal or expulsion of a member the board shall equitably appraise his property interest in the corporation and shall at its option fix the amount thereof in money or other property, which shall be paid to him within one year after his expulsion or withdrawal.

(i) Penalties for violation of the bylaws.

(j) Any other matter relating to the operation or management of the corporation and not inconsistent with law or with the articles of incorporation.

Sec. 8. *Board of Trustees and Officers*

(1) The business of a cooperative shall be managed by a board of not less than five trustees, each of whom shall be a member of the cooperative, or of another cooperative which is a member thereof, The bylaws shall prescribe the number of trustees, their qualifications, other than those prescribed in this Act, the manner of holding meetings of the board of trustees and of electing successors to trustees who shall resign, die, or otherwise be incapable of acting. The bylaws may also provide for the removal of trustees from office and for the election of their successors. Trustees shall not receive any salaries for their services as trustees and, except in emergencies, shall not receive any salaries for their services in any other capacity without the approval of the members. The bylaws may, however, prescribe a fixed fee for attendance at each meeting of the board of trustees and may provide for reimbursement of actual expenses of attendance.

(2) The trustees of a cooperative named in any articles of incorporation, consolidation, merger, conversion or combined consolidation and conversion shall hold office until the next annual meeting of the members and until their successors are elected and qualify. At each annual meeting or, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, the members shall elect trustees to hold office until the next annual meeting of the members, except as otherwise provided in this Act. Each trustee shall hold office for the term for which he is elected and until his successor is elected and qualified.

(3) Instead of electing all the trustees annually, the bylaws may provide that half of them, or a number as near thereto as possible, shall be elected to serve until the next annual meeting of the members and that the remaining trustees shall be elected to serve until the second succeeding annual meeting. Thereafter, as trustees' terms expire, the members shall elect their successors to serve until the second succeeding annual meeting after their election.

(4) A majority of the board of trustees shall constitute a quorum.

(5) The board of trustees may exercise all of the powers

of a cooperative not conferred upon the members by this Act, or its articles of incorporation or bylaws.

(6) The officers of a cooperative shall consist of a president, vice-president, secretary and treasurer, who shall be elected annually by and from the board of trustees. When a person holding any such office ceases to be a trustee he shall cease to hold such office. The offices of secretary and of treasurer may be held by the same person. The board of trustees may also elect or appoint such other officers, agents, or employees as it deems necessary or advisable and shall prescribe their powers and duties. Any officer may be removed from office and his successor elected in the manner prescribed in the bylaws.

Sec. 9. Members and Shareholders; Requirements for Membership.

(1) Each incorporator of a cooperative shall be a member thereof but no other person may become a member thereof unless such other person agrees to use telephone service furnished by the cooperative when it is made available through its facilities. Membership in a cooperative shall be evidenced by a certificate of membership which shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership, provided that ownership of shares of stock, if any are authorized, shall not be a condition of membership in the cooperative.

(2) In case the issuance of shares of stock is provided for in the articles of incorporation, ownership thereof shall be evidenced by share certificates. No share of stock shall be issued except for cash, or for property at its fair value, in an amount equal to the par value of such share of stock.

(3) Membership and share certificates shall contain such provisions, consistent with this Act and the articles of incorporation of the cooperative, as shall be prescribed by its bylaws.

(4) No member or shareholder shall be liable or responsible for any debts of the co-operative and the property of the members and shareholders shall not be subject to execution therefor.

Sec. 10. Meeting of members; waiver of notice.

(1) An annual meeting of the members of a cooperative shall be held at such time and place as shall be provided in the bylaws.

(2) Special meetings of the members may be called by the president, by the board of trustees, by any three trustees, or by not less than 200 members or ten per centum of all members, whichever shall be the lesser.

(3) Except as otherwise provided in this Act, written or printed notice stating the time and place of each meeting of the members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten days nor more than twenty-five days before the date of the meeting. If mailed, such notice shall be deemed to be given when deposited in the United States mail with postage prepaid addressed to the member at his address as it appears on the records of the cooperative.

(4) Unless the bylaws prescribe the presence of a greater percentage or number of the members for a quorum, a quorum for the transaction of business at all meetings of the members of a cooperative having not more than 500 members, shall be ten percentum of all members, present in person, and of a cooperative having more than 500 members, shall be 50 members or two per centum of all members, whichever is greater, present in person. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

(5) Each member shall be entitled to one vote on each matter submitted to a vote at a meeting of the members. Voting shall be in person, but, if the bylaws so provide, may also be by mail.

(6) Any person entitled to notice of a meeting may waive such notice in writing either before or after such meeting. If any such person shall attend such meeting, such attendance shall constitute a waiver of notice of such meeting, unless such person participates therein solely to object to the transaction of

any business because the meeting has not been legally called or convened.

Sec. 11. Amendment of Articles of Incorporation.

A cooperative may amend its articles of incorporation by complying with the following requirements, provided, however, that a change of location of principal office may be effected in the manner set forth in Section 12 of this Act: The proposed amendment shall be presented to a meeting of the members, the notice of which shall set forth or have attached thereto the proposed amendment. If the proposed amendment, with any changes, is approved by the affirmative vote of not less than two-thirds of those members voting thereon at such meeting, articles of amendment shall be executed and acknowledged on behalf of the cooperative by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of amendment shall recite that they are executed pursuant to this Act and shall state:

(1) the name of the cooperative
(2) the address of its principal office; and
(3) the amendment to its articles of incorporation.

The president or vice-president executing such articles of amendment shall make and annex thereto an affidavit stating that the provisions of this section in respect of the amendment set forth in such articles were duly complied with.

Sec. 12. Change of location of principal offices.

A cooperative may, upon authorization of its board of trustees or its members, change the location of its principal office by filing a certificate reciting such change of principal office, executed and acknowledged by its president or vice-president under its seal attested by its secretary, in the office of the Secretary of State.

Sec. 13. Common and preferred stock; ownership and transfer.

(1) Only a member of a corporation organized under this chapter may own its common stock, and neither the common stock in any such corporation or any interest therein shall be transferable or assignable, except as security for a loan from

the Federal Government, either by act of the parties or by operation of law, to any person who is not eligible to be a member of the corporation.

(2) No corporation formed under this chapter shall issue common stock to a member until it has been fully paid for, but the promissory notes of a member may be accepted by the corporation as full or partial payment. The corporation shall hold the stock as security for the payment of the note, but such retention as security shall not affect the member's right to vote.

(3) No person, other than a corporation formed under this chapter, shall at any one time own more than five percent of the outstanding common stock of any corporation formed under this chapter.

(4) No corporation formed under this chapter shall pay dividends on either its common stock or its preferred stock in an amount greater than four percent per annum on each class of stock.

(5) Any such corporation may at any time, as specified in its bylaws, except when the debts of the corporation exceed fifty percent of its assets, buy in or purchase its common stock at the book value thereof, as conclusively determined by its board of directors, and pay for it in cash within one year thereafter.

(6) Preferred stock may be owned by and transferred to any person, and may be made redeemable and retirable by the corporation on such terms and conditions as are provided for in the articles of incorporation and printed on the face of each certificate. Ownership of preferred stock shall not confer on the holder any right to vote.

Sec. 14. Consolidation

Any two or more cooperatives (each of which is hereinafter designated a "consolidating cooperative"), may consolidate into a new cooperative (hereinafter designated the "new cooperative"), by complying with the following requirements:

(1) The proposition for the consolidation of the consolidating cooperative into the new cooperative and proposed articles of consolidation to give effect thereto shall be submitted

to a meeting of the members of each consolidating cooperative, the notice of which shall have attached thereto a copy of the proposed articles of consolidation.

(2) If the proposed consolidation and the proposed articles of consolidation with any amendments are approved by the affirmative vote of not less than two-thirds of those members of each consolidating cooperative voting thereon at each such meeting, articles of consolidation in the form approved shall be executed and acknowledged on behalf of each consolidating cooperative by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of consolidation shall recite that they are executed pursuant to this Act and shall state:

(a) the name of each consolidating cooperative and the address of its principal office;

(b) the name of the new cooperative and the address of its principal office;

(c) a statement that each consolidating cooperative agrees to the consolidation;

(d) the names and addresses of the trustees of the new cooperative; and

(e) the terms and conditions of the consolidation and the mode of carrying the same into effect, including the manner in which members and shareholders, if any, of the consolidating cooperatives may or shall become members and shareholders, respectively, of the new cooperative; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the new cooperative.

The president or vice-president of each consolidating cooperative executing such articles of consolidation shall make and annex thereto an affidavit stating that the provisions of this section in respect of such articles were duly complied with by such cooperative.

Sec. 15. Merger. Any one or more cooperatives (each of which is hereinafter designated a "merging cooperative") may merge into another cooperative (hereinafter designated

the "surviving cooperative"), by complying with the following requirements:

(1) The proposition for the merger of the merging cooperatives into the surviving cooperative and proposed articles of merger to give effect thereto shall be submitted to a meeting of the members of each merging cooperative and of the surviving cooperative, the notice of which shall have attached thereto a copy of the proposed articles of merger;

(2) If the proposed merger and the proposed articles of merger, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of each cooperative voting thereon at each such meeting, articles of merger in the form approved shall be executed and acknowledged on behalf of each such cooperative by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of merger shall recite that they are executed pursuant to this Act and shall state:

(a) the name of each merging cooperative and the address of its principal office;

(b) the name of the surviving cooperative and the address of its principal office;

(c) a statement that each merging cooperative and the surviving cooperative agree to the merger;

(d) the names and addresses of the trustees of the surviving cooperative; and

(e) the terms and conditions of the merger and the mode of carrying the same into effect, including the manner in which members if any, of the merging cooperative may or shall become members and shareholders, respectively, of the surviving cooperative, and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the surviving cooperative.

The president or vice-president of each cooperative executing such articles of merger shall make and annex thereto an affidavit stating that the provisions of this section in respect of such articles were duly complied with by such cooperative.

Sec. 16. Effect of Consolidation or Merger

(1) In the case of a consolidation the existence of the consolidating cooperatives shall cease and the articles of consolidation shall be deemed to be the articles of incorporation of the new cooperative; and in the case of a merger the separate existence of the merging cooperative shall cease and the articles of incorporation of the surviving cooperative shall be deemed to be amended to the extent, if any, that changes therein are provided for in the articles of merger;

(2) All the rights, privileges, immunities and franchises and all property, real and personal, including without limitation applications for membership, all debts due on whatever account and all other choses in action, of each of the consolidating or merging cooperatives shall be deemed to be transferred to and vested in the new or surviving cooperative without further act or deed;

(3) The new or surviving cooperative shall be responsible and liable for all the liabilities and obligations of each of the consolidating or merging cooperatives and any claim existing or action or proceeding pending by or against any of the consolidating or merging cooperatives may be prosecuted as if the consolidation or merger had not taken place, but the new or surviving cooperative may be substituted in its place; and

(4) Neither the rights of creditors nor any liens upon the property of any of such cooperatives shall be impaired by such consolidation or merger.

Sec. 17. Conversion and Combined Consolidation and Conversion of Existing Corporations.

(1) Any corporation organized under the laws of this State and furnishing or having the corporate power to furnish telephone service may be converted into a cooperative by complying with the following requirements and shall thereupon become subject to this Act with the same effect as if originally organized under this Act;

(a) The proposition for the conversion of such corporation into a cooperative and proposed articles of conversion to give effect thereto shall be submitted to a meeting of the members or stockholders of such corporation, or in case of a cor-

poration having no members or stockholders, to a meeting of the incorporators of such corporation, the notice of which shall have attached thereto a copy of the proposed articles of conversion.

(b) If the proposition for the conversion of such corporation into a cooperative and the proposed articles of conversion, with any amendments, are approved by the affirmative vote of not less than two-thirds of those of such corporation voting thereon at such meeting, or, if such corporation is a stock corporation, by the affirmative vote of the holders of not less than two-thirds of those shares of the capital stock of such corporation represented at such meeting and voting thereon, or, in the case of a corporation having no members and no shares of its capital stock outstanding, by the affirmative vote of not less than two-thirds of its incorporators, articles of conversion in the form approved shall be executed and acknowledged on behalf of such corporation by its president or vice-president and its seal shall be affixed thereto and attested by its secretary. The articles of conversion shall recite that they are executed pursuant to this Act and shall state:

(i) the name of the corporation and the address of its principal office prior to its conversion into a cooperative;

(ii) the statute or statutes under which it was organized;

(iii) a statement that such corporation elected to become a cooperative, nonprofit corporation subject to this Act;

(iv) its name as a cooperative;

(v) the address of the principal office of the cooperative;

(vi) the names and addresses of the trustees of the cooperative; and

(vii) the manner in which members, stockholders or incorporators of such corporation may or shall become members of the cooperative; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the cooperative, including provisions for the issuance of non-voting shares of stock as provided for in Section 3 of this Act. If the articles of conversion shall make provision for the issuance of such shares of stock, they shall also state the manner in which members, stockholders or incorporators of such corporation may or shall become shareholders of the

cooperative. The president or vice-president executing such articles of conversion shall make and annex thereto an affidavit stating that the provisions of this section were duly complied with in respect of such articles. The articles of conversion shall be deemed to be the articles of incorporation of the cooperative.

(2) Any two or more corporations organized under the laws of this State and furnishing or having the corporate power to furnish telephone service may, if otherwise permitted to consolidate by the laws of this State consolidate into a cooperative subject to this Act, with the same effect as if originally organized under this Act, by complying with the following requirements:

(a) The proposition for the consolidation into a cooperative and the proposed articles of consolidation and conversion, with any amendments, shall be approved by each consolidating corporation in accordance with the statute or statutes under which it was organized and the provisions of subsection (1) of this section;

(b) The articles of consolidation and conversion in the form approved shall be executed, acknowledged and sealed in the manner prescribed in subsection (1) of this section and in the statute or statutes under which the consolidating corporations were organized. The articles of consolidation and conversion shall state that they are executed pursuant to this Act and such statute or statutes, that each consolidating corporation elects that the new corporation shall be a cooperative, and in addition shall contain all other information required by such statute or statutes and by paragraph (b) of subsection (1) of this section; and may contain any provisions not inconsistent with this Act deemed necessary or advisable for the conduct of the business of the cooperative. The president or vice-president executing such articles of consolidation and conversion shall make and annex thereto an affidavit stating that the provisions of this section and of the statute or statutes under which the consolidating corporations were organized were duly complied with in respect of such articles. The articles of consolidation and conversion shall be deemed to be the articles of incorporation of the cooperative and shall be filed both in accordance with the provisions of this Act and of the statute or statutes under which the consolidating corporations were organized.

Sec. 18. Dissolution. (1) Any corporation formed under this chapter may be dissolved by filing articles of dissolution, which shall be entitled and endorsed "Articles of Dissolution of ————————————————————" and shall state:

(a) The name of the corporation and, if it is a consolidated corporation, the names of the original corporations.

(b) The date of filing of the articles of incorporation and, if the corporation is a consolidated corporation, the dates on which the articles of incorporation of the original corporations were filed.

(c) That the corporation elects to dissolve.

(d) The name and postoffice address of each of its directors, and the name, title and postoffice address of each of its officers.

(2) The articles of dissolution shall be subscribed and acknowledged in the same manner as original articles of incorporation, by the president or a vice-president and the secretary or an assistant secretary, who shall make and attach an affidavit stating that they have been authorized to execute and file the articles by a majority vote of all the members, and shareholders.

(3) Articles of dissolution shall be filed, recorded and approved in the same manner, and shall take effect upon approval, as is provided in Section 3 for articles of incorporation.

(4) The corporation filing articles of dissolution shall continue in existence for the purpose of paying, satisfying and discharging any existing liabilities or obligations and collecting or liquidating its assets, and doing all other acts required to adjust and wind up its business and affairs and may sue and be sued, contract and be contracted with in its corporate name. Any assets remaining after the liabilities and obligations of the corporation have been satisfied or discharged shall be ratably distributed to the shareholders, members and non-member patrons of the corporation in accordance with the manner in which their respective rights may appear.

Sec. 19. Nonprofit Operation. A cooperative shall be operated on a nonprofit basis for the mutual benefit of its members and patrons. The bylaws of a cooperative or its con-

tracts with members and patrons shall contain such provisions relative to the disposition of revenue and receipts as may be necessary and appropriate to establish and maintain its nonprofit and cooperative character. In the case of a cooperative authorized to issue shares of stock, such bylaws or contracts shall provide that no moneys shall be paid or credits given on the basis of patronage except after the declaration or payment of dividends on the outstanding shares of stock in accordance with the articles of incorporation of the cooperative, and such bylaws or contracts shall otherwise be consistent with the cooperative's obligations in respect of such shares of stock.

Sec. 20. Obligations, how issued, secured, purchased or redeemed. Power of Board of Trustees to encumber, or dispose of property.

(1) The board of trustees of a cooperative shall have full power and authority, without authorization by the members thereof, to authorize the execution and delivery of a mortgage or mortgages or a deed or deeds of trust of, or the pledging or encumbering of, any or all of the property, assets, rights, privileges, licenses, franchises and permits of the cooperative, whether acquired or to be acquired, and wherever situated as well as the revenues therefrom, all upon such terms and conditions as the board of trustees shall determine, to secure any indebtedness of the cooperative to United States of America or any agency or instrumentality thereof. Any such mortgage or mortgages or deed or deeds of trust shall be exempt from mortgage recordation tax.

(2) A cooperative may not otherwise sell, mortgage, lease or otherwise dispose of or encumber all or a substantial portion of its property unless such sale, mortgage, lease or other disposition or encumbrance is authorized by the affirmative vote of not less than two-thirds of all the members of the cooperative; provided, however, that notwithstanding any other provision of this Act, or any other provision of law, the board of trustees may, upon the authorization of a majority of those members of the cooperative present at a meeting of the members thereof, the notice of which shall have set forth the proposed action, sell, lease or otherwise dispose of all or a substantial portion of its property to another cooperative or a foreign cor-

poration doing business in this State pursuant to this Act or to the holder or holders of any notes, bonds or other evidences of indebtedness issued to the United States of America or any agency or instrumentality thereof.

Sec. 21. Recordation of Mortgages—Effect Thereof. Any mortgage, deed of trust or other instrument executed by a cooperative or foreign corporation doing business in this State pursuant to this Act, which affects real and personal property and which is recorded in the real property records in any county in which such property is located or is to be located, shall have the same force and effect as if the mortgage, deed of trust or other instrument were also recorded, filed or indexed as provided by law in the proper office in such county as a mortgage of personal property. All after-acquired property of such cooperative or foreign corporation described or referred to as being mortgaged or pledged in any such mortgage, deed of trust or other instrument, shall become subject to the lien thereof immediately upon the acquisition of such property by such cooperative or foreign corporation, whether or not such property was in existence at the time of the execution of such mortgage, deed of trust or other instrument. Recordation of any such mortgage, deed of trust or other instrument shall constitute notice and otherwise have the same effect with respect to such after-acquired property as it has under the laws relating to recordation, with respect to property owned by such cooperative or foreign corporation at the time of the execution of such mortgage, deed of trust or other instrument and therein described or referred to as being mortgaged or pledged thereby. The lien upon personal property of any such mortgage, deed of trust or other instrument shall, after recordation thereof, continue in existence and of record for the period of time specified therein without the refiling thereof or the filing of any renewal certificate, affidavit or other supplemental information required by the laws relating to the renewal, maintenance or extension of liens upon personal property.

Sec. 22. Fees for articles and amendments; no recording taxes.

(1) For acting upon, filing and recording articles of incorporation, articles of consolidation, articles of dissolution, or

amendments to articles of incorporation or consolidation, the corporation shall pay to the Secretary of State a sum not to exceed two dollars, for which the Secretary of State shall give his receipt.

(2) For filing and recording articles of incorporation, articles of consolidation, articles of dissolution, or amendments to articles of incorporation or consolidation, the corporation shall pay to the county clerk a sum not to exceed three dollars, for which the county clerk shall give his receipt.

(3) No fee shall be paid or received for affixing the state seal to any of the documents mentioned in this section or to any copy thereof.

(4) The recordation of the documents mentioned in this section shall be exempt from all recording taxes.

Sec. 23. *Taxes.* Corporations formed under this chapter shall be exempt from all profit taxes, gross and net taxes, sales taxes, occupation taxes, privilege taxes, income taxes, taxes on telephone service and from all excise taxes whatsoever, any statute now existing or hereafter passed to the contrary notwithstanding. In lieu of all other state, county, city and district taxes, except ad valorem and franchise taxes, corporations formed under this chapter shall pay to the State Treasurer an annual tax of ten dollars.

Sec. 24. Jurisdiction of Public Service Commission; application of other laws. (1) Every corporation formed under this chapter shall be subject to the general supervision of the Public Service Commission, and shall be subject to all the provisions of KRS 278.010 to 278.450 inclusive, and KRS 278.530 and 278.990.

(2) The provisions of the general corporation laws of this state and all rights and powers thereunder shall apply to corporations organized under this chapter, except where such provisions are in conflict with or inconsistent with the express provisions of this chapter.

Sec. 25. Securities Act Exemption. .The provisions of Chapter 292 of the Kentucky Revised Statutes shall not apply to any note, bond or other evidence of indebtedness issued by any cooperative or foreign corporation doing business in this

State pursuant to this Act to United States of America or any agency or instrumentality thereof, or any mortgage, deed of trust or other instrument executed to secure the same. The provisions of said Securities Act shall not apply to the issuance of membership certificates, shares of stock or any other evidence of member, shareholder or patron interest by any cooperative or any such foreign corporation.

Sec. 26. Districts. The bylaws may provide for the division of the territory served or to be served by a cooperative into two or more districts for any purpose, including without limitation, the nomination and election of trustees and the election and functioning of district delegates. Such delegates, who shall be members, may nominate and elect trustees. The bylaws shall prescribe the boundaries of the districts, or the manner of establishing such boundaries, and the manner of changing such boundaries, and the manner in which such districts shall function. No member at any district meeting and no district delegate at any meeting shall vote by proxy or by mail.

Sec. 27. Foreign Corporations—Any foreign non-profit or cooperative corporation furnishing or authorized to furnish telephone service and owning or operating telephone lines or facilities in an adjacent State may construct or acquire extensions of such lines in this State and operate such extensions without complying with any statute of this State pertaining to the qualifications of foreign corporations for the doing of business in this State. Any such corporation shall, before constructing or operating such extensions, by an instrument executed and acknowledged on its behalf by its president or vice-president, under its seal attested by its secretary, and filed with the Secretary of State, designate the Secretary of State its agent to accept service of process on its behalf. Thereafter, with respect to its operations in this State, such corporation shall have only the rights, powers, privileges and immunities of, and shall be subject to all of the laws of this State relating to the jurisdiction and supervision of the Public Service Commission in the same manner and to the same extent as, a cooperative organized under this Act. In the event any process shall be served upon the Secretary of State, he shall forthwith forward the same by regis-

tered mail to such corporation at the address thereof specified in the aforesaid instrument.

Sec. 28. Construction Standards. Construction of telephone lines and facilities by a cooperative shall, as a minimum requirement, comply with the standards of the National Electrical Safety Code in effect at the time of such construction.

Sec. 29. *Easements.* Two years' continuous, uncontested maintenance of telephone lines on any real property by a cooperative or foreign corporation doing business in this State pursuant to this Act shall ripen into legal title to such easement.

Sec. 30. Construction of Act. This Act is complete in itself and shall be controlling. This Act shall be construed liberally. The enumeration of any object, purpose, power, manner, method, or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things.

Sec. 31. Whereas, there presently exists a critical shortage of rural telephones in the Commonwealth of Kentucky, and

Whereas, this shortage of telephones constitutes a grave impairment of the physical and financial safety of many thousands of rural citizens, and

Whereas, the purpose of this act is to alleviate as quickly as possible the deficiency in telephone facilities in the rural sections of Kentucky, and the welfare of the public is thus affected,

An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Bean moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Fred H. Morgan
Edgar Arnett	John A. Head	C. S. Nabb
Sidney Baer	Harold G. Helm	Dr. C. E. Palmore
Clarence J. Barnum	William K. Henry	James H. Polsgrove
C. E. Baumgardner	E. R. Hilton	Leonard W. Preston
Leonard T. Bean	Woodrow W. Hollan	Hobart Rayburn
Fred Beshear	W. M. Horn	W. R. Reasor
R. O. Blevins	Maurice G. Howard	Carl J. Ruh
L. E. Bradley	Robert N. Hubbard	Amos Runyan
Thomas L. Britton	Silas Jacobs	Dr. Roy Sanders
Charles J. Bronston	Paul S. Jonas	LeRoy Saylor
J. D. Buckman, Jr.	Barkley Jones	Roy Searcy
Mrs. M. E. Burnett	James W. Lambert	James S. Shaw
Charles W. Burnley	Jesse H. Lawrence	Gus Sheehan, Jr.
Alex Calvert	Mrs. J. T. Linton	Forest Smith
Stanley Carter	A. L. (Chick) Love	Roy Steers
Paul Combs	Harry K. Lowman	Raymond D. Stigall
R. Josh Cosby	True Mackey	Mrs. Thelma Stovall
Owen Deering	Damon Majors	Egbert V. Taylor
G. I. Drury	John Martin	Rev. T. H. Tinsley
Thomas R. Duncan	William T. Marshall	Ralph N. Walter
R. C. Estepp, Sr.	Jack McPherron	Fred M. Warns
Henry C. Hale	Archie R. Moore	Harry Lee Waterfield
C. A. Hammons	Emmett G. Moore	G. F. Williamson
James P. Hanratty	Walter R. Moorman	Charles W. Wirsch
George F. Harris		

—76

Those who voted in the negative were—

Bill Adams	Alton Mitchell	Lyle H. Webb

—3

Resolved that the title thereof be as aforesaid.

Mr. Bean moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 78. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person committing an act in connection with any election held under the provisions of KRS Chapter 89, which act, if committed in a regular election would subject the person to a penalty under the provisions of KRS Chapters 123 or 124, shall be subject to the same penalty provided therein for such an act.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	George F. Harris	Emmett G. Moore
Clarence J. Barnum	Paul E. Hayes	C. S. Nabb
C. E. Baumgardner	John A. Head	Dr. C. E. Palmore
Leonard T. Bean	Harold G. Helm	Leonard W. Preston
Fred Beshear	William K. Henry	Hobart Rayburn
R. O. Blevins	E. R. Hilton	W. R. Reasor
Thomas L. Britton	Ray Holbrook	Amos Runyan
Charles J. Bronston	Woodrow W. Hollan	Roy Searcy
J. D. Buckman, Jr.	W. M. Horn	James S. Shaw
Mrs. M. E. Burnett	Durham W. Howard	Gus Sheehan, Jr.
Charles W. Burnley	Maurice G. Howard	Forest Smith
Alex Calvert	Robert N. Hubbard	Joseph T. Snapp
Stanley Carter	Silas Jacobs	J. Claude Stacy
Paul Combs	Barkley Jones	Raymond D. Stigall
R. Josh Cosby	James W. Lambert	Mrs. Thelma Stovall
Owen Deering	Jesse H. Lawrence	Egbert V. Taylor
G. I. Drury	Mrs. J. T. Linton	Rev. T. H. Tinsley
Thomas R. Duncan	Harry K. Lowman	Fred M. Warns
R. C. Estepp, Sr.	True Mackey	Harry Lee Waterfield
Henry C. Hale	John Martin	Lyle H. Webb
C. A. Hammons	G. Lee McClain	Charles W. Wirsch
James P. Hanratty		—64

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 183. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1 Section 141.170 of the Kentucky Revised Statutes is amended to read as follows:

Extension of time for filing returns. The Department of Revenue may grant a reasonable extension of time for filing income returns whenever in its judgment good cause exists, and shall keep a record of every such extension. Except in case of a taxpayer who is abroad, no extension shall be granted for more than six months, and in no case for more than one year. If the time for filing a return is deferred, the taxpayer shall pay, as part of the tax, an amount equal to six percent per annum on the tax ultimately assessed from the time the return was due until it is actually filed in the office of the department.

SECTION 2 Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

Payment of tax; when due; payment in installments. The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid to the Department of Revenue at the time fixed for filing returns, except that any taxpayer may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payments shall not be subject to any interest charge, if the payments are received within the times specified. If any installment is not paid when due the full amount of the taxpayer's liability becomes due and payable on the date the installment becomes delinquent.

SECTION 3 Section 141.990 of the Kentucky Revised Statutes is hereby repealed.

SECTION 4 Penalties and interest. (1) If any taxpayer fails or refuses to file a return or furnish any information re-

quested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiecy tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty is in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to reasonable cause, five percent of the tax found to be due by the department, shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax, fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section shall apply.

(5) Any penalty imposed by subsections (1), (2), (3), and (4) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(6) In addition to the penalties herein prescribed, any taxpayer who wilfully fails to make a return or wilfully makes a false return, with an intent to evade the tax, or a part thereof, imposed by this act, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or imprisoned for not less than six months nor more than five years, or both.

(7) If the tax imposed by this chapter, whether assessed, by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is no paid within the time prescribed, or a protest filed in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

(8) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is due and payable, a personal debt to the state from the person liable therefor.

SECTION 5 Whereas the present income tax penalty system is inequitable and causes undue administrative difficulty and whereas returns will soon be due for another taxable year, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Dr. C. E. Palmore
Clarence J. Barnum	Harold G. Helm	Leonard W. Preston
C. E. Baumgardner	William K. Henry	Hobart Rayburn
Fred Beshear	Ray Holbrook	W. R. Reasor
L. E. Bradley	Woodrow W. Hollan	Carl J. Ruh
Edward O. Bridgers	W. M. Horn	Amos Runyan
J. D. Buckman, Jr.	Robert N. Hubbard	LeRoy Saylor
Mrs. M. E. Burnett	Silas Jacobs	Roy Searcy
Charles W. Burnley	Paul S. Jonas	Paul E. Shannon
Alex Calvert	Barkley Jones	James S. Shaw
Stanley Carter	James W. Lambert	Gus Sheehan, Jr.
Paul Combs	Jesse H. Lawrence	Raymond D. Stigall
R. Josh Cosby	Mrs. J. T. Linton	Mrs. Thelma Stovall
Owen Deering	A. L. (Chick) Love	Egbert V. Taylor
R. C. Estepp, Sr.	Harry K. Lowman	M. G. Thompson
Mitchell S. Fannin	True Mackey	Rev. T. H. Tinsley
James P. Hanratty	Damon Majors	Fred M. Warns
George F. Harris	Fred H. Morgan	Charles W. Wirsch
Paul E. Hayes	C. S. Nabb	—56

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 89. AN ACT relating to permits to engage in the practice of public accounting; amending Sections 325.330 and 325.340 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 325.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Permits to engage in the practice of public accounting in this State shall be issued by the Board to holders of a certificate as "certified public accountant" issued under KRS 325.260 to 325.290 and to individuals and partnerships registered under KRS 325.280 and 325.320, after the payment by each such certificate holder, individual or partnership of an annual permit fee of $15.00. All permits shall expire on the first day of July of each year, but may, annually, be renewed for a period of one year by certificate holders and registrants in good standing upon the payment of a fee for renewal as herein provided. The renewal fee of $15.00 is due on or before the expiration date of the holder's permit, but failure to renew a permit before expiration thereof, except as provided in KRS 325.340(10), shall not deprive a certificate holder or registrant of the right to renewal; in such cases a certificate holder or registrant in good standing may renew his permit by payment of any and all annual fees unpaid by him since the expiration of his permit and by payment of a penalty of $10.00 in addition thereto. In computing the annual fees unpaid by such delinquent certificate holder or registrant, only the fees for the year ending July 1, 1951, and fees for subsequent years shall be taken into account.

(2) Permits to practice heretofore issued under the provisions of Section 325.330 of the Kentucky Revised Statutes which will expire on July 1, 1950, or did expire prior to that date, may be renewed, for the year ending July 1, 1951, by the payment of a renewal fee of $15.00, provided such payment is made on or before July 1, 1950. In the event that such payment is made after July 1, 1950, a renewal fee of $15.00 for the year ending July 1, 1951, and $15.00 for each subsequent annual permit fee unpaid, and a penalty of $10.00 in addition thereto, must be paid by a certificate holder or registrant in good standing in order to renew his permit.

Section 2. Section 325.340 of the Kentucky Revised Statutes is amended by the addition of sub-section (10), immediately fol-

lowing sub-section (9) of said section, said Section 325.340 thereby being amended to read as follows:

After notice and hearing as provided in KRS 325.360, the board may revoke or suspend any certificate issued under KRS 325.260 to 325.290, or any registration granted under KRS 325.310, or may revoke, suspend or refuse to renew any permit issued under KRS 325.330, or may censure the holder of any such permit, for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under KRS 325.220 to 325.440, or in obtaining a permit to practice public accounting under KRS 325.220 to 325.440.

(2) Dishonesty, fraud or negligence, in the practice of public accounting.

(3) Violation of any of the provisions of KRS 325.380.

(4) Repeated violation of a rule of professional conduct promulgated by the board under the authority granted by KRS 325.220 to 325.440, after warning by the board that such continued violation will constitute grounds for proceedings hereunder.

(5) Conviction of a felony under the laws of any state or of the United States.

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States.

(7) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(8) Suspension or revocation of the right to practice before any state or federal agency or court.

(9) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he received a certificate as certified public accountant under KRS 325.220 to 325.440.

(10) Failure of a certificate holder or registrant to obtain an annual permit to practice as required under KRS 325.330, (a) within three years from the expiration date of the permit to practice last obtained or renewed by said certificate holder or registrant, or (b) within three years of the date upon which the certificate holder or registrant was granted his certificate or registration, if no permit was ever issued to such registrant, provided, however, that no action affecting a certificate holder or a registrant shall be taken by the board under this sub-section until it shall appear that such certificate holder or registrant failed to renew his permit for the year ending July 1, 1953, on or before that date, or failed to renew his permit for a year or years ending after July 1, 1953.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	R. O. Blevins	J. D. Buckman, Jr.
Clarence J. Barnum	L. E. Bradley	Mrs. M. E. Burnett
C. E. Baumgardner	Edward O. Bridgers	Charles W. Burnley
Leonard T. Bean	Thomas L. Britton	Paul Combs
Fred Beshear	Charles J. Bronston	R. Josh Cosby

B. H. Crider	Paul S. Jonas	W. R. Reasor
Owen Deering	Barkley Jones	Carl J. Ruh
Thomas R. Duncan	James W. Lambert	Amos Runyan
Mitchell S. Fannin	Jesse H. Lawrence	Roy Searcy
C. A. Hammons	Mrs. J. T. Linton	Paul E. Shannon
James P. Hanratty	A. L. (Chick) Love	Gus Sheehan, Jr.
George F. Harris	Harry K. Lowman	Joseph T. Snapp
Paul E. Hayes	True Mackey	Raymond D. Stigall
Harold G. Helm	Damon Majors	Mrs. Thelma Stovall
William K. Henry	John Martin	Egbert V. Taylor
Ray Holbrook	Walter R. Moorman	Rev. T. H. Tinsley
Woodrow W. Hollan	C. S. Nabb	Fred M. Warns
W. M. Horn	Dr. C. E. Palmore	Harry L. Waterfield
Robert N. Hubbard	Leonard W. Preston	Charles W. Wirsch
Silas Jacobs		—58

Those who voted in the negative were—

R. C. Estepp, Sr. Maurice G. Howard —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 139. AN ACT relating to the penalty for common law offenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person convicted of a common law offense the penalty for which is not otherwise provided by statute shall be imprisoned in the county jail for a term not exceeding twelve months or fined a sum not exceeding five thousand dollars or both.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	G. I. Drury	Mrs. J. T. Linton
Clarence J. Barnum	Thomas R. Duncan	Harry K. Lowman
C. E. Baumgardner	C. A. Hammons	True Mackey
Leonard T. Bean	James. P. Hanratty	Emmett G. Moore
Fred Beshear	George F. Harris	Walter R. Moorman
L. E. Bradley	Paul E. Hayes	C. S. Nabb
Edward O. Bridgers	John A. Head	W. R. Reasor
Charles J. Bronston	William K. Henry	Carl J. Ruh
J. D. Buckman, Jr.	Ray Holbrook	Amos Runyan
Mrs. M. E. Burnett	Woodrow W. Hollan	Dr. Roy Sanders
Charles W. Burnley	Chester J. Holsclaw	LeRoy Saylor
Alex Calvert	W. M. Horn	Paul E. Shannon
Stanley Carter	Richard R. Houpt	James S. Shaw
Paul Combs	Robert N. Hubbard	Gus Sheehan, Jr.
R. Josh Cosby	Paul S. Jonas	Forest Smith
Owen Deering	Jesse H. Lawrence	Joseph T. Snapp

Raymond D. Stigall	M. G. Thompson	Harry Lee Waterfield
Mrs. Thelma Stovall	Ralph N. Walter	G. F. Williamson
Egbert V. Taylor	Fred M. Warns	—56

Those who voted in the negative were—

Bill Adams	Barkley Jones	Leonard W. Preston
Thomas L. Britton	James W. Lambert	Roy Searcy
R. C. Estepp, Sr.	Homer E. Losey	J. Claude Stacy
Mitchell S. Fannin	A. L. (Chick) Love	Roy Steers
Durham W. Howard	Alton Mitchell	Lyle H. Webb
Maurice G. Howard	Dr. C. E. Palmore	Charles W. Wirsch
Silas Jacobs		—19

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 98. AN ACT repealing and re-enacting Section 93.300, Kentucky Revised Statutes, relating to the apportionment of the cost of elimination of grade crossings between the railroad companies and cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 93.300, Kentucky Revised Statutes, 1948 Edition, is hereby repealed, amended and re-enacted to read as follows:

(1) The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing in any city of the first class, including the

costs of preparing the plans and specifications and supervising the improvement, the acquisition of necessary property, the construction of approaches, drainage structures, street and pavements, accommodations for street railway and interurban railway companies and other public utilities, and damages paid to abutting property owners, shall be paid in the proportion of fifteen percent by the railroad companies affected and eighty-five percent by the city. The costs to be shared proportionately shall not include the cost of ties, ballast, rails and other track material used for railroad tracks or street or interurban railway tracks, equipment necessary for the operation of the railroad or street or interurban railways, or the expense of relaying and reconstructing or installing same, all of which costs shall be borne exclusively by the company whose tracks or equipment are so relaid, reconstructed or installed, and all of which shall be paid by monthly estimates.

(2) The city and the railroad company shall pay, in the proportion above provided, on monthly estimates certified by the city engineer and the railroad engineer in charge of the work, the amounts due to contractors and the costs incurred by the city or the railroad company and chargeable to the cost of construction.

(3) Where provision is made for a substituted crossing for the tracks of any street railway or interurban railway company, the company owning the tracks shall pay into the city treasury forty percent of the amount paid out by the city under the provisions of KRS 93.290, or under any contract made under KRS 93.280. All payments so made by the street railway or interurban railway company shall be based on the monthly estimates referred to in subsection (2) of this section, a copy of which, properly certified by the director of works shall be furnished to the company. The payments by the company shall be made within five days after presentation of the estimate by the city.

(4) All books and records of the company performing the work, that pertain in any manner to the improvement, shall be open at all times to the inspection of the department of public works or its authorized representatives.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Paul E. Hayes	Jack McPherron
Sidney Baer	John A. Head	Emmett G. Moore
Clarence J. Barnum	William K. Henry	C. S. Nabb
C. E. Baumgardner	E. R. Hilton	James H. Polsgrove
Fred Beshear	Ray Holbrook	Hobart Rayburn
Edward O. Bridgers	Chester J. Holsclaw	W. R. Reasor
Charles J. Bronston	W. M. Horn	Carl J. Ruh
J. D. Buckman, Jr.	Richard R. Houpt	Amos Runyan
Mrs. M. E. Burnett	Robert N. Hubbard	Dr. Roy Sanders
Paul Combs	Silas Jacobs	Paul E. Shannon
R. Josh Cosby	Paul S. Jonas	Gus Sheehan, Jr.
G. I. Drury	Barkley Jones	J. Claude Stacy
Thomas R. Duncan	Jesse H. Lawrence	Mrs. Thelma Stovall
Mitchell S. Fannin	Mrs. J. T. Linton	M. G. Thompson
C. A. Hammons	Harry K. Lowman	Ralph N. Walter
James P. Hanratty	True Mackey	G. F. Williamson
George F. Harris	Damon Majors	Charles W. Wirsch

—51

Those who voted in the negative were—

Maurice G. Howard Alton Mitchell Harry L. Waterfield
Homer E. Losey Leonard W. Preston Lyle H. Webb
—6

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 111. AN ACT to amend, revise and re-enact Section 25.490 of the Kentucky Revised Statutes relating to clerks and deputy clerks of the quarterly courts in counties of 250,000 or more population, salaries therefor, fidelity bonds therefor and disposition of fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 25.490 of the Kentucky Revised Statutes is amended, revised and re-enacted to read as follows:

In counties having a population of 250,000 or more the County Judge elected at a regular election for said office shall, on the first Monday in July succeeding his election, appoint for a period of four years a Clerk of the Quarterly Court, and shall also appoint for a period of four years a Chief Deputy Clerk of said court, and shall also appoint such other deputy clerks as in his judgment is necessary to carry on the functions of the office of Clerk of the Quarterly Court. The Clerk, Chief Deputy Clerk and Deputy Clerks shall have the power to file papers, issue process, administer oaths, and subject to Section 31 of the Criminal Code of Practice, issue warrants of arrest and criminal

summons, and shall keep all such records of said Court as are required by law, and for their services shall be paid such salaries out of the county treasury as are fixed by the County Judge by written recommendation to the Fiscal Court of the County, which recommendation shall become effective upon its approval by resolution of the Fiscal Court.

The Clerk, Chief Deputy Clerk and the Deputy Clerks shall execute bond before the County Court, with surety approved by the court, before entering upon the discharge of the duties of the office to which appointed. Fees collected from the Quarterly Court shall be paid into the Treasury of the County. Said collections shall be made by the Clerk, who shall settle with the County Judge on the first Monday of each month, and pay the amount found to be due immediately into the County Treasury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Questoin be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Edward O. Bridgers	Paul Combs
Clarence J. Barnum	Charles J. Bronston	R. Josh Cosby
C. E. Baumgardner	J. D. Buckman, Jr.	G. I. Drury
Fred Beshear	Mrs. M. E. Burnett	Thomas R. Duncan

Mitchell S. Fannin	Silas Jacobs	W. R. Reasor
C. A. Hammons	Paul S. Jonas	Carl J. Ruh
James P. Hanratty	Barkley Jones	Amos Runyan
George F. Harris	Jesse H. Lawrence	Dr. Roy Sanders
Paul E. Hayes	Mrs. J. T. Linton	Paul E. Shannon
John A. Head	Harry K. Lowman	Gus Sheehan, Jr.
William K. Henry	True Mackey	J. Claude Stacy
E. R. Hilton	Damon Majors	Mrs. Thelma Stovall
Ray Holbrook	Jack McPherron	M. G. Thompson
Chester J. Holsclaw	Emmett G. Moore	Ralph N. Walter
W. M. Horn	C. S. Nabb	Fred M. Warns
Richard R. Houpt	James H. Polsgrove	G. F. Williamson
Robert N. Hubbard	Hobart Rayburn	Charles W. Wirsch

—51

Those who voted in the negative were—

Bill Adams	Alton Mitchell	Harry Lee Waterfield
Maurice G. Howard	Leonard W. Preston	Lyle H. Webb
Homer E. Losey	Roy Steers	

—8

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 120. AN ACT establishing a Department of Traffic Engineering in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 83.160 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read as follows:

"(1) There shall be the following executive departments in cities of the first class:

"A Department of Public Works, a Department of Public Safety, a Department of Public Finance, a Department of Public Welfare, a Department of Public Parks and Recreation, a Department of Law, and a Department of Traffic Engineering. Each of said Departments shall have the powers provided for in and be governed by the general provisions of KRS 61.250, 83.180 to 83.300, 91.120, 91.280 and 91.300, and shall be under the supervision and direction of a director who shall be appointed by the Mayor, and the said directors of departments so appointed shall be removable at any time at the pleasure of the Mayor so appointing them, or of any of his successors in office but not by any officer who may merely for the time be filling the office of Mayor in the absence or during the temporary disability of the regularly elected or appointed Mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said cities and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until they resign or are removed as herein provided.

"(2) All functions, powers and duties vested in any city of the first class with reference to all matters affecting the health of the community in such city shall be exercised and performed in such manner as shall be provided by Act of the General Assembly, or by ordinance of the legislative body of such city."

SECTION 2. The Department of Traffic Engineering shall be under the supervision and direction of a director of Traffic Engineering and shall have exclusive control, under the city ordinances, of all matters pertaining to control of traffic using the streets of the city except the enforcement of traffic laws. The Department of Traffic Engineering shall also have exclusive control, under the city ordinances, of street lighting and lighting of public places.

SECTION 3. Sections 93.351 through 93.356 which deal with off-street parking facilities in cities of the first class are amended by deleting all references therein to "director of works" and inserting in lieu thereof "director of traffic engineering."

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	G. I. Drury	Ray Holbrook
Clarence J. Barnum	Thomas R. Duncan	Chester J. Holsclaw
C. E. Baumgardner	Mitchell S. Fannin	W. M. Horn
Fred Beshear	C. A. Hammons	Robert N. Hubbard
Edward O. Bridgers	James P. Hanratty	Silas Jacobs
Charles J. Bronston	George F. Harris	Paul S. Jonas
J. D. Buckman, Jr.	Paul E. Hayes	Barkley Jones
Mrs. M. E. Burnett	John A. Head	Jesse H. Lawrence
Paul Combs	William K. Henry	Mrs. J. T. Linton
R. Josh Cosby	E. R. Hilton	Harry K. Lowman

True Mackey	Hobart Rayburn	Gus Sheehan, Jr.
Damon Majors	W. R. Reasor	John M. Spaulding
Jack McPherron	Carl J. Ruh	Mrs. Thelma Stovall
Emmett G. Moore	Amos Runyon	Egbert V. Taylor
Walter R. Moorman	Dr. Roy Sanders	G. F. Williamson
C. S. Nabb	Paul E. Shannon	Charles W. Wirsch
James H. Polsgrove		—49

Those who voted in the negative were—

Bill Adams	Alton Mitchell	Harry Lee Waterfield
Maurice G. Howard	Leonard W. Preston	Lyle H. Webb
Homer E. Losey		—7

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 127. AN ACT providing for trial commissioners, one of whom may serve as Judge Pro Tem, in Police Court of Cities of the first class, setting forth powers, duties and compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.220 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read: The Judge of Police Court of a City of the first class may appoint two trial commissioners, and may designate one of them to serve as pro tem judge. They shall hear cases in rooms provided by the City legislative body for Police Court and as trial commissioners may sit simultaneously with the Elected Judge. The

pro tem judge shall have the same rights, powers and duties as the Elected Judge whenever the Elected Judge fails to attend and hold Court, or vacate the bench. The trial commissioners and pro tem judge shall have the same qualifications as the Elected Judge, shall hold office at the pleasure of the Elected Judge and shall not practice any case in Police Court. The compensation of the trial commissioners and pro tem judge for services rendered shall be fixed by ordinance not to exceed the rate of salary of the Elected Judge and be paid by the City at the same time as the salary of other City Officers.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Charles J. Bronston	G. I. Drury
Clarence J. Barnum	J. D. Buckman, Jr.	Thomas R. Duncan
C. E. Baumgardner	Mrs. M. E. Burnett	Mitchell S. Fannin
Fred Beshear	Paul Combs	C. A. Hammons
Edward O. Bridgers	R. Josh Cosby	James P. Hanratty

George F. Harris	Barkley Jones	W. R. Reasor
Paul E. Hayes	Jesse H. Lawrence	Carl J. Ruh
John A. Head	Mrs. J. T. Linton	Amos Runyan
William K. Henry	Harry K. Lowman	Dr. Roy Sanders
E. R. Hilton	True Mackey	Paul E. Shannon
Ray Holbrook	Damon Majors	Gus Sheehan, Jr.
Chester J. Holsclaw	Jack McPherron	Mrs. Thelma Stovall
W. M. Horn	Emmett G. Moore	M. G. Thompson
Richard R. Houpt	C. S. Nabb	Ralph N. Walter
Robert N. Hubbard	James H. Polsgrove	G. F. Williamson
Silas Jacobs	Hobart Rayburn	Charles W. Wirsch
Paul S. Jonas		—49

Those who voted in the negative were—

Bill Adams	Alton Mitchell	Roy Steers
Maurice G. Howard	Leonard W. Preston	Harry Lee Waterfield
Homer E. Losey	J. Claude Stacy	Lyle H. Webb
		—9

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Saylor moved that the rules be suspended and Robert Blevins, Cumberland, Kentucky, be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 100. AN ACT relating to education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 158.020 shall not be construed to prohibit the giving or receiving of instruction in any course of study, above high school level, in any institution of higher education, public or private, at the undergraduate or graduate grade or on the professional level, or in any course of instruction for adults conducted or sponsored by or under the auspices of public or private corporations, groups or bodies, provided the governing authorities of the institution, corporation, group or body so elect, and provided that an equal, complete and accredited course is not available at the Kentucky State College for Negroes.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. McClain moved that said bill be laid on the table.

The yeas and nays being required thereon by Mr. Steers and Mr. Hollan were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	A. L. (Chick) Love	Archie R. Moore
R. Josh Cosby	G. Lee McClain	Emmett G. Moore
Woodrow W. Hollan	Jack McPherron	Roy Steers
Silas Jacobs	Alton Mitchell	Raymond D. Stigall
William Jones		

—13

Those who voted in the negative were—

Sidney Baer	Alex Calvert	George F. Harris
Clarence J. Barnum	B. H. Crider	Paul E. Hayes
C. E. Baumgardner	Owen Deering	John A. Head
Edward O. Bridgers	G. I. Drury	Harold G. Helm
Thomas L. Britton	Thomas R. Duncan	William K. Henry
Charles J. Bronston	R. C. Estepp, Sr.	E. R. Hilton
J. D. Buckman, Jr.	Mitchell S. Fannin	Chester J. Holsclaw
Mrs. M. E. Burnett	C. A. Hammons	W. M. Horn
Charles W. Burnley	James P. Hanratty	Richard R. Houpt

Durham W. Howard	Fred H. Morgan	Egbert V. Taylor
Maurice G. Howard	Dr. C. E. Palmore	M. G. Thompson
Robert N. Hubbard	James H. Polsgrove	Rev. T. H. Tinsley
James W. Lambert	Hobart Rayburn	Fred M. Warns
Jesse H. Lawrence	W. R. Reasor	Harry Lee Waterfield
Homer E. Losey	Amos Runyan	Lyle H. Webb
Harry K. Lowman	LeRoy Saylor	Morris Weintraub
Damon Majors	Forest Smith	G. F. Williamson
John Martin	Mrs. Thelma Stovall	Charles W. Wirsch
Walter R. Moorman		

—55

Thereupon, said motion was disagreed to.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Thomas R. Duncan	Maurice G. Howard
Clarence J. Barnum	R. C. Estepp, Sr.	Robert N. Hubbard
C. E. Baumgardner	Mitchell S. Fannin	Barkley Jones
Thomas L. Britton	James P. Hanratty	James W. Lambert
Charles J. Bronston	George F. Harris	Jesse H. Lawrence
J. D. Buckman, Jr.	Paul E. Hayes	Homer E. Losey
Mrs. M. E. Burnett	John A. Head	Harry K. Lowman
Alex Calvert	E. R. Hilton	True Mackey
B. H. Crider	Chester J. Holsclaw	Damon Majors
Owen Deering	Richard R. Houpt	John Martin
G. I. Drury	Durham W. Howard	Walter R. Moorman

James H. Polsgrove	Forest Smith	Harry Lee Waterfield
Hobart Rayburn	Mrs. Thelma Stovall	Lyle H. Webb
W. R. Reasor	Egbert V. Taylor	Morris Weintraub
Carl J. Ruh	M. G. Thompson	G. F. Williamson
LeRoy Saylor	Rev. T. H. Tinsley	Adron Doran,
Gus Sheehan, Jr.	Fred M. Warns	Speaker

—50

Those who voted in the negative were—

Edgar Arnett	William Jones	Emmett G. Moore
Fred Beshear	A. L. (Chick) Love	C. S. Nabb
L. E. Bradley	Jack McPherron	Leonard W. Preston
R. Josh Cosby	Alton Mitchell	Roy Steers
Woodrow W. Hollan	Archie R. Moore	Raymond D. Stigall
Silas Jacobs		

—16

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 99. AN ACT relating to fire prevention and protection and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 75.050 of the Kentucky Revised Statutes is amended to read as follows:

Any fire protection district created as provided in KRS 75.010, and any fire protection district or fire prevention district hereafter created pursuant to present or future law, and any municipal corporation, volunteer fire department, volunteer fire

prevention unit, or volunteer fire protection unit, may, through its governing body, make and enter into contracts with any other fire protection district, fire prevention district, municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, either within the same county or within an adjoining county in an area adjacent to the boundary line between the counties, for the furnishing or receiving of fire protection services for all property within the confines of the area included in and covered by the contract or contracts, where such fire protection is not otherwise provided by some division of government or governmental agency. Similar contracts may be made and entered into between any county and an adjoining county, or between any county and any one or more municipalities or districts, departments or units of the character above mentioned, located either within the county or within an adjoining county in an area adjacent to the boundary line between the counties. The personnel and equipment of a contracting party, in going to and returning from a fire, or in answering and responding to a false fire alarm or call, and while endeavoring to extinguish fires within the area covered by the contract, shall be deemed and hereby is declared to be engaged in the exercise of a governmental function.

Sec. 2. Whereas, there are many communities in the state in dire need of fire protection, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	James P. Hanratty	Walter R. Moorman
Clarence J. Barnum	George F. Harris	Fred H. Morgan
C. E. Baumgardner	Paul E. Hayes	C. S. Nabb
Fred Beshear	John A. Head	Dr. C. E. Palmore
L. E. Bradley	Woodrow W. Hollan	James H. Polsgrove
Edward O. Bridgers	W. M. Horn	W. R. Reasor
Thomas L. Britton	Richard R. Houpt	Amos Runyan
Charles J. Bronston	Robert N. Hubbard	Dr. Roy Sanders
J. D. Buckman, Jr.	Silas Jacobs	Roy Searcy
Mrs. M. E. Burnett	Paul S. Jonas	Paul E. Shannon
Charles W. Burnley	Barkley Jones	Gus Sheehan, Jr.
Alex Calvert	Mrs. J. T. Linton	Mrs. Thelma Stovall
Stanley Carter	A. L. (Chick) Love	M. G. Thompson
R. Josh Cosby	Harry K. Lowman	Rev. T. H. Tinsley
B. H. Crider	True Mackey	Ralph N. Walter
Owen Deering	Damon Majors	Fred M. Warns
Thomas R. Duncan	G. Lee McClain	Harry Lee Waterfield
R. C. Estepp, Sr.	Jack McPherron	Morris Weintraub
Mitchell S. Fannin	Archie R. Moore	Charles W. Wirsch
C. A. Hammons		

—58

Those who voted in the negative were—

Maurice G. Howard	Alton Mitchell	Roy Steers
John Martin	Forest Smith	

—5

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 53. AN ACT repealing, amending, and re-enacting Section 436.230 of Kentucky Revised Statutes by adding a new sub-section thereto defining gambling.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.230 of the Kentucky Revised Statutes is hereby repealed, amended, and re-enacted, so that when so repealed, amended, and re-enacted, it will read as follows, to-wit:

1. Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up, keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps manages, operates or conducts a game of cards, oontz or craps, whereby money or anything of value may be won or lost, or with or without compensation, percentage or commission, assists in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined five hundred dollars, and confined in the penitentiary for not less than one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification and shall not be valid with the recital.

2. Subsection 1 of this section shall not apply to persons who play at such games, machine or contrivances, unless they

aid or take other part in setting up, conducting, keeping, managing or operating them.

3. The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection 1 of this section shall not prevent the conviction of any person, violating the provisions of that subsection.

4. Subsection 1 of this section shall not apply to persons who sell combination or French pools on any regular race track during the races on that track. An indictment for a violation of the provisions of subsection 1 of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

5. A small table with its surface slanted upwards from the end at which the player stands, and which is equipped with a plunger, bat or electrically operated flipper or turrett shooter which the player manipulates, striking therewith some balls which are knocked towards the upper end of the table, and those balls strike a pocket or target or rebound from the upper end of the table and start rolling back by force of gravity toward the lower end of the table, meeting on the way various hazards and obstructions on the surface of the table, which cause the balls to meander in other directions and register a certain number score, depending upon the number assigned to the particular obstruction or pocket or indicated by lights at time it hits, some obstructions taking a higher score number than others, whereby the play is started by the player depositing a coin in a provided slot, and if the player is successful in obtaining a prescribed result in number score, and he then possesses the opportunity only to replay such table in the same manner without the insertion of another coin, and if such device itself does not pay off in money, tokens or merchandise or other prizes for the winning score and only gives the right of replay without insertion of a coin, depending upon the skill of the player, playing such device, shall not be considered as gambling, and Subsection 1 of this Section, 436.230, shall not apply to any person keeping, managing, operating, conducting, or owning such device which only gives a free game or games for the skill of the player playing such machine or device.

Mr. Morgan offered the following amendment to said bill, viz:

Amend printed copy of S. B. No. 53, on page 2, section 1, line 22, by striking the word "with" and inserting in lieu thereof the word "without".

Said amendment to said bill was agreed to.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	J. D. Buckman, Jr.	James P. Hanratty
Clarence J. Barnum	Mrs. M. E. Burnett	Paul E. Hayes
C. E. Baumgardner	Charles W. Burnley	William K. Henry
Leonard T. Bean	Alex Calvert	Woodrow W. Hollan
Fred Beshear	R. Josh Cosby	Chester J. Holsclaw
Edward O. Bridgers	Thomas R. Duncan	W. M. Horn
Charles J. Bronston	Mitchell S. Fannin	Richard R. Houpt

Maurice G. Howard	G. Lee McClain	Paul E. Shannon
Robert N. Hubbard	Emmett G. Moore	Gus Sheehan, Jr.
Paul S. Jonas	Fred H. Morgan	Forest Smith
James W. Lambert	C. S. Nabb	Mrs. Thelma Stovall
Jesse H. Lawrence	James H. Polsgrove	Ralph N. Walter
Mrs. J. T. Linton	W. R. Reasor	G. F. Williamson
True Mackey	Roy Searcy	—41

Those who voted in the negative were—

Bill Adams	Homer E. Losey	LeRoy Saylor
L. E. Bradley	A. L. (Chick) Love	Roy Steers
Thomas L. Britton	John Martin	Fred M. Warns
Stanley Carter	Alton Mitchell	Harry Lee Waterfield
E. R. Hilton	Archie R. Moore	Lyle H. Webb
D. W. Howard	Leonard W. Preston	Morris Weintraub
Silas Jacobs	Amos Runyan	Charles W. Wirsch
Barkley Jones	Dr. Roy Sanders	—23

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 255. AN ACT relating to the Disposal of Public Records.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION ONE. (1) Any department, agency, commission, board or institution of the state government may, upon a finding by the principal officer thereof that public records maintained by said department, agency, commission, board or in-

stitution are of no further value, immediately destroy said records, unless otherwise provided by law.

(2) There is hereby created a board composed of the Commissioner of Finance, the Attroney General, the Auditor of Public Accounts, the Clerk of the Court of Appeals, and the Secretary-Treasurer of the Kentucky Historical Society, to be known as the Records Control Board. Said Board shall have the authority to promulgate rules and regulations pertaining to the disposal of public records as defined in KRS 12.140, and said board is hereby further authorized to direct, upon investigation and determination, that any public records maintained by any department, agency, board, commission or institution of the State Government be destroyed or otherwise disposed of as the board may direct.

(3) The provisions of this section shall not be construed to repeal any existing laws pertaining to the maintenance of public records, and any directions, rules and regulations by the herein created board shall be made subject to such laws.

WHEREAS, the storage of public records is occupying valuable office space and hampering considerably the necessary expansion of state agencies, and

WHEREAS, said storage in many instances constitutes a considerable fire hazard,

NOW, THEREFORE, an emergency is hereby declared to exist and this act shall take effect upon its passage and approval by the Governor.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Heard	C. S. Nabb
Sidney Baer	E. R. Hilton	Dr. C. E. Palmore
Clarence J. Barnum	Woodrow W. Hollan	James H. Polsgrove
C. E. Baumgardner	W. M. Horn	W. R. Reasor
Leonard T. Bean	Richard R. Houpt	Amos Runyan
Fred Beshear	Maurice G. Howard	Dr. Roy Sanders
L. E. Bradley	Robert N. Hubbard	Paul E. Shannon
J. D. Buckman, Jr.	Silas Jacobs	Gus Sheehan, Jr.
Charles W. Burnley	Paul S. Jonas	Forest Smith
Alex Calvert	Barkley Jones	Roy Steers
Stanley Carter	Mrs. J. T. Linton	Raymond D. Stigall
R. Josh Cosby	A. L. (Chick) Love	Mrs. Thelma Stovall
Owen Deering	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	True Mackey	Rev. T. H. Tinsley
Mitchell S. Fannin	Damon Majors	Fred M. Warns
C. A. Hammons	G. Lee McClain	Morris Weintraub
James P. Hanratty	Fred H. Morgan	Charles W. Wirsch
Paul E. Hayes		

—52

Those who voted in the negative were—

Harold G. Helm	John Martin	Alton Mitchell
Durham W. Howard		

—4

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Walter arose to a point of personal privilege and announced that he was absent from the House Chamber when the vote was taken on the passage of a bill of the following title, viz:

S. B. No. 69. (For title, see H.J. of today)

Which was recorded in the Journal of the House of the proceedings of today, and requested that the House, by unanimous consent, allow the Journal to show that he would have voted "yea" on said bill had he been present; that the Chief Clerk be authorized and directed by unanimous consent of the House, to record his vote on said bill in the affirmative.

Without objection, this permission was granted and the Chief Clerk was so directed.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Mr. Hanratty moved that the House do now adjourn to meet again at 11 o'clock a.m., Friday, March 17, 1950.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 17, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	C. E. Baumgardner	Edward O. Bridgers
Bill Adams	Leonard T. Bean	Thomas L. Britton
Edgar Arnett	John D. Beatty	Charles J. Bronston
Sidney Baer	Fred Beshear	J. D. Buckman, Jr.
Clarence J. Barnum	L. E. Bradley	Mrs. M. E. Burnett

Charles W. Burnley
Alex Calvert
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Hanratty moved that the reading of the Journal of the proceedings of Thursday, March 16, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Hanratty moved that the rules be suspended and the House do now proceed to the Orders of the Day.

Said motion was agreed to by a majority of the members elected.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 143. AN ACT relating to compensation and expenses of members of the Kentucky Board of Pharmacy and Secretary-Treasurer, amending Section 315.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 315.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the Kentucky Board of Pharmacy, except the Secretary-Treasurer shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(2) The secretary-treasurer of the board shall receive a salary determined by the board, but not to exceed fifteen hundred dollars a year. He shall also receive his traveling and all necessary expenses incurred in the performance of his official duties.

Mr. Warns moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	C. A. Hammons	Dr. C. E. Palmore
Bill Adams	James P. Hanratty	James H. Polsgrove
Edgar Arnett	George F. Harris	Leonard W. Preston
Sidney Baer	John A. Head	W. R. Reasor
Walter J. Bailey	Harold G. Helm	Carl J. Ruh
Clarence J. Barnum	William K. Henry	Amos Runyan
C. E. Baumgardner	E. R. Hilton	Dr. Roy Sanders
Leonard T. Bean	Woodrow W. Hollan	LeRoy Saylor
Fred Beshear	Chester J. Holsclaw	Paul E. Shannon
L. E. Bradley	W. M. Horn	James S. Shaw
Edward O. Bridgers	Silas Jacobs	Gus Sheehan, Jr.
Thomas L. Britton	James W. Lambert	Joseph T. Snapp
Charles J. Bronston	Jesse H. Lawrence	Roy Steers
J. D. Buckman, Jr.	Mrs. J. T. Linton	Raymond D. Stigall
Mrs. M. E. Burnett	A. L. (Chick) Love	Mrs. Thelma Stovall
Charles W. Burnley	True Mackey	W. R. Stringer
Stanley Carter	Damon Majors	Egbert V. Taylor
Paul Combs	G. Lee McClain	M. G. Thompson
R. Josh Cosby	Jack McPherron	Ralph N. Walter
B. H. Crider	Alton Mitchell	Fred M. Warns
Owen Deering	Archie R. Moore	Harry Lee Waterfield
G. I. Drury	Walter R. Moorman	Lyle H. Webb
R. C. Estepp, Sr.	C. S. Nabb	Charles W. Wirsch
Henry C. Hale		

—70

Resolved that the title thereof be as aforesaid.

Mr. Warns moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took

up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 124. AN ACT relating to cities of the third class and amending subsection (6) of Section 92.150, Kentucky Revised Statutes, 1948 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 92.150 of the Kentucky Revised Statutes is amended to read as follows:

(6) The common council may by ordinance consolidate the offices of collector and treasurer into one office under the name of "city collector-treasurer" or it may by ordinance consolidate the offices of collector and city clerk into one office under the name of "city clerk and tax collector."

Whereas the common council of cities of the third class are by law required to elect a tax collector at the first regular meeting in April, an emergency is hereby declared to exist for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage and approval by the Governor of the Commonwealth.

Mr. Bean moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	G. I. Drury	Archie R. Moore
Bill Adams	Mitchell S. Fannin	Walter R. Moorman
Edgar Arnett	Henry C. Hale	Fred H. Morgan
Sidney Baer	C. A. Hammons	C. S. Nabb
Walter J. Bailey	George F. Harris	Dr. C. E. Palmore
Clarence J. Barnum	Paul E. Hayes	James H. Polsgrove
C. E. Baumgardner	John A. Head	Leonard W. Preston
Leonard T. Bean	Harold G. Helm	W. R. Reasor
John D. Beatty	William K. Henry	Amos Runyan
Fred Beshear	E. R. Hilton	Dr. Roy Sanders
R. O. Blevins	Chester J. Holsclaw	Paul E. Shannon
L. E. Bradley	W. M. Horn	James S. Shaw
Edward O. Bridgers	Richard R. Houpt	Gus Sheehan, Jr.
Thomas L. Britton	Durham W. Howard	Jesse H. Shelton
Charles J. Bronston	Maurice G. Howard	Joseph T. Snapp
J. D. Buckman, Jr.	Silas Jacobs	Raymond D. Stigall
Mrs. M. E. Burnett	Jesse H. Lawrence	Mrs. Thelma Stovall
Charles W. Burnley	Mrs. J. T. Linton	W. R. Stringer
Alex Calvert	True Mackey	Egbert V. Taylor
Stanley Carter	Damon Majors	Ralph N. Walter
Paul Combs	G. Lee McClain	Fred M. Warns
R. Josh Cosby	Jack McPherron	Harry Lee Waterfield
B. H. Crider	Alton Mitchell	Charles W. Wirsch
Owen Deering		—70

Those who voted in the negative were—

William Jones	J. Claude Stacy	Roy Steers
Carl J. Ruh		—4

Resolved that the title thereof be as aforesaid.

Mr. Bean moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills and a resolution of the following titles, viz:

H. B. No. 121. AN ACT relating to juries in police courts in cities of the second class.

H. B. No. 122. AN ACT relating to the taking of depositions in a criminal case, amending Section 153 of the Criminal Code of Practice.

H. B. No. 199. AN ACT providing for flood control districts, as political subdivisions of the Commonwealth of Kentucky, to maintain and operate flood control works.

H. B. No. 254. AN ACT to provide that utility companies serving counties containing cities of the first class shall furnish to the County Tax Commissioner the names and addresses of their customers, including changes thereof.

H. B. No. 259. AN ACT amending and reenacting KRS 100.096 relating to zoning and planning in cities of the first class and counties containing such cities.

H. B. No. 281. AN ACT relating to income taxation.

H. B. No. 302. AN ACT relating to teachers' retirement allowances, increasing the minimum allowance and appropriating the necessary sums for that purpose.

H. B. No. 334. AN ACT relating to who may be present with the grand jury.

H. B. No. 373. AN ACT relating to impersonation of an officer, agent or employe of the Department of Kentucky State Police and providing a penalty therefor.

H. B. No. 383. AN ACT relating to payment of money to persons under a disability, amending Section 387.280 of the Kentucky Revised Statutes.

H. B. No. 389. AN ACT relating to the training and certification of public school personnel.

H. B. No. 426. AN ACT relating to the State Board of Health, amending Section 211.040 of the Kentucky Revised Statutes.

H. B. No. 431. AN ACT concerning the issuance of bonds for the benefit of Municipal Universities and the requirements thereof.

H. B. No. 443. AN ACT relating to certain corporations and associations subject to supervision of the Division (or Department) of Insurance.

H. B. No. 464. AN ACT to amend Section 279.210 of the 1948 edition of the Kentucky Revised Statutes.

H. B. No. 466. AN ACT relating to taxes on legal actions, proceedings and appeals, including provisions for the disposition of the revenue derived therefrom.

H. Res. No. 45. A JOINT RESOLUTION granting to W. J. Curtis the right of sepulture in Blue Licks Battlefield State Park, with provisions for a suitable plaque to make his grave.

H. B. No. 220. AN ACT regulating the distance between certain kinds of vehicles or equipment units when operating upon a highway. This Act shall be known as the Williamson-Beatty-Love Act.

H. B. No. 369. AN ACT amending Section 149.300 of the Kentucky Revised Statutes, relating to setting of fires near woodland areas, or brushland areas.

Thereupon, all other business was suspended, said bills and said resolution were read at length and compared in open

session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills and said resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and said resolution duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bills and said resolution be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 174. AN ACT relating to parental and marital duties and obligations, with particular relation to desertion, abandonment or failure to provide maintenance or support for a child or wife, and the custody of children; amending KRS 435.240.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 435.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The parent of any child residing in this state who leaves, deserts or abandons a child under the age of sixteen years, leaving the child in destitute or indigent circumstances and without making proper provision for the board, clothing, education and proper care of the child in a manner suitable to the condition

and station in life of the parent and the child, or any married man who leaves, deserts or abandons his wife while she is pregnant by him, leaving her in destitute or indigent circumstances and without making proper provision for the board, clothing and proper care of the wife in a manner suitable to the condition and station in life of the man and his wife, shall be confined in the penitentiary for not less than one nor more than five years.

(2) The circuit court may postpone, at the request of the defendant, any trial under any indictment returned under subsection (1) of this section during the good behavior of the defendant, and may suspend judgment upon any verdict of conviction during the good behavior of the person convicted. It shall have power over the verdict or indictment for five years after the return of such an indictment or the rendition of such a verdict, and may dismiss such an indictment or set aside such a verdict when in the exercise of a sound judicial discretion it deems the conduct of the parent will warrant such action.

(3) (a) If a divorce has been granted by a court of competent jurisdiction, and thereafter the parent of any child under the age of sixteen years shall fail to comply with the orders of the court relative to the maintenance or support of the child as set forth in the judgment granting the divorce, or if the parent having the custody of such child under the orders of the court shall abandon or desert the child, or if a parent, not having the custody of the child shall take and carry away the child from the custody of the parent or other person to whom the custody of the child was awarded by the judgment of divorce, or by a subsequent order of the court amending the judgment, without the consent of the parent or other person having custody, the parent so doing shall be deemed guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one nor more than five years.

(b) The circuit court in which the divorce was granted, the circuit court of the county where the custodian of the child resided at the time of the offense set out in this subsection was committed, and the circuit court of the county where the child

was when the offense was committed, shall each have jurisdiction of the prosecution under this subsection.

(c) The provisions of subsection (2) of this Section in regard to postponement of trial and suspension of judgment shall also apply to any indictment, trial or judgment under this subsection.

Sec. 2. Whereas, the conduct for which this Act imposes a penalty constitutes an imminent danger to the welfare and security of the children of this Commonwealth, and is responsible for promoting serious conditions of juvenile delinquency, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Fannin moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Walter R. Moorman
Bill Adams	John A. Head	Fred H. Morgan
Edgar Arnett	Harold G. Helm	C. S. Nabb
Sidney Baer	William K. Henry	Dr. C. E. Palmore
Walter J. Bailey	Woodrow W. Hollan	James H. Polsgrove
Clarence J. Barnum	Chester J. Holsclaw	Leonard W. Preston
C. E. Baumgardner	W. M. Horn	Hobart Rayburn
Leonard T. Bean	Richard R. Houpt	W. R. Reasor
John D. Beatty	Durham W. Howard	Amos Runyan
Fred Beshear	Maurice G. Howard	Dr. Roy Sanders
L. E. Bradley	Silas Jacobs	LeRoy Saylor
Thomas L. Britton	Paul S. Jonas	Paul E. Shannon
Charles J. Bronston	Barkley Jones	James S. Shaw
J. D. Buckman, Jr.	William Jones	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Jesse H. Lawrence	Forest Smith
Charles W. Burnley	Mrs. J. T. Linton	Joseph T. Snapp
Alex Calvert	Homer E. Losey	J. Claude Stacy
Stanley Carter	A. L. (Chick) Love	Raymond D. Stigall
Paul Combs	Harry K. Lowman	W. R. Stringer
R. Josh Cosby	True Mackey	Egbert V. Taylor
B. H. Crider	Damon Majors	M. G. Thompson
Owen Deering	John Martin	Rev. T. H. Tinsley
G. I. Drury	Jack McPherron	Ralph N. Walter
R. C. Estepp, Sr.	Alton Mitchell	Fred M. Warns
Mitchell S. Fannin	Archie R. Moore	Lyle H. Webb
Henry C. Hale	Emmett G. Moore	Charles W. Wirsch
C. A. Hammons		—79

Resolved that the title thereof be as aforesaid.

Mr. Fannin moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 284. AN ACT relating to compressed or liquefied gas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context requires otherwise:

(1) The term "liquefied petroleum gas" means and includes any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous state: propane, propylene, butane (normal butane or isobutane), and butylene.

(2) The term "gas," or "compressed or liquefied gas" means and includes any flammable compressed or liquefied gas, other than acetylene, including liquefied petroleum gases as defined in subsection (1) of this section.

(3) The term 'approved containers' means and includes all vessels used for the transportation or storing of compressed or liquefied petroleum gases, which vessels have been:

(a) Tested and listed by Underwriters' Laboratories, Inc., or,

(b) Tested and listed by a nationally recognized testing laboratory, or,

(c) Inspected and approved by the enforcing authority having jurisdiction.

(4) The term "systems" means an assembly of equipment consisting essentially of the container or containers, major devices and appurtenances such as vaporizers, carburetors, relief valves, excess flow valves, and regulators, together with necessary interconnecting piping, but not including gas-consuming appliances and their connections.

Sec. 2. No person (a) shall transport, in any manner, any compressed or liquefied gases in other than approved containers, nor (b) engage in the business of installing or servicing, or (c)

actually install or service, liquefied petroleum gas systems without first obtaining a permit therefor. A separate permit must be obtained in order to engage in either of the practices set out in this section.

Sec. 3. (1) The permit provided for in Section 2 of this Act shall be obtained from the Commissioner of Insurance upon the filing of an application therefor. Each permit shall be valid only for the calendar year in which it is issued. For the issuance of the permit provided for herein there shall be paid to the Commissioner of Insurance a fee of twenty-five dollars.

(2) All fees collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Department of Insurance solely for the administration and enforcement of this Act.

Sec. 4. The Commissioner of Insurance, after a public hearing thereon, shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases, and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Sec. 5. It is hereby declared that regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Sec. 6. After having been given notice to cease and desist and ten days time in which to correct the violation, any person

who continues to violate any of the provisions of this Act, or any of the rules and regulations promulgated hereunder, shall be fined not less than one hundred dollars nor more than five hundred dollars.

Mr. Holsclaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Head	C. S. Nabb
Sidney Baer	William K. Henry	James H. Polsgrove
Walter J. Bailey	Ray Holbrook	Hobart Rayburn
C. E. Baumgardner	Chester J. Holsclaw	W. R. Reasor
J. D. Buckman, Jr.	W. M. Horn	Amos Runyan
Mrs. M. E. Burnett	Richard R. Houpt	Dr. Roy Sanders
Alex Calvert	Silas Jacobs	Paul E. Shannon
Paul Combs	Barkley Jones	Gus Sheehan, Jr.
R. Josh Cosby	Mrs. J. T. Linton	Forest Smith
Owen Deering	Harry K. Lowman	Roy Steers
Mitchell S. Fannin	True Mackey	Raymond D. Stigall
Henry C. Hale	Damon Majors	W. R. Stringer
C. A. Hammons	G. Lee McClain	M. G. Thompson
James P. Hanratty	Jack McPherron	Rev. T. H. Tinsley
George F. Harris	Walter R. Moorman	Fred M. Warns
Paul E. Hayes	Fred H. Morgan	G. F. Williamson

—48

Those who voted in the negative were—

Edgar Arnett	A. L. (Chick) Love	Carl J. Ruh
John D. Beatty	John Martin	LeRoy Saylor
G. I. Drury	Alton Mitchell	Lyle H. Webb
R. C. Estepp, Sr.	Dr. C. E. Palmore	Morris Weintraub
Homer E. Losey	Leonard W. Preston	—14

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 40. AN ACT making it unlawful for any registered lobbyist during the meeting of the General Assembly of Kentucky to offer or give a drink or any quantity of any liquor or beverage of alcoholic content to a member of the General Assembly of Kentucky or any employee thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. On and after the effective date of this act no registered lobbyist or person acting as an employee of such lobbyist shall offer to or give to any member of the General Assembly thereof a drink or any quantity of liquor or beverage containing alcohol during the time the Legislature is in regular or special session.

Sec. 2. No member of the General Assembly or any employee thereof during the time of the regular or special sessions thereof shall accept as a gift directly or indirectly a drink or any quantity of liquor or beverage containing alcoholic content.

Sec. 3. Any person violating the sections 1 and 2 of this act shall be deemed guilty of a misdemeanor and fined one thousand dollars or six months in the county jail or both in the discretion of the jury.

Sec. 4. Whereas, the Legislature is now in session and the offering or giving of such liquors or beverages containing alcohol or interfering with the prudent and diligent action and judgment of the members of the General Assembly, an emergency is declared to exist and this act shall become effective upon its passage by the General Assembly and approval by the Governor.

The message which was received from the Senate also announced that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 252. AN ACT to repeal Kentucky Revised Statutes Section 186.445 now bearing a title reading "License for child to operate motor vehicle of not more than five horse power."

H. B. No. 452. AN ACT relating to annual reports by insurance companies other than life; amending Sections 136.340 and 136.350 of the Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 123. AN ACT relating to divorce and repealing, amending and reenacting KRS 403.020.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. KRS 403.020 is repealed, amended and reenacted so when amended and reenacted it shall read as follows:

(1) A divorce may be granted to either party for the following causes:

(a) Such impotency or malformation as prevents sexual intercourse; or

(b) Living apart without any cohabitation for five consecutive years next before application.

(2) A divorce may be granted to the party not in fault for the following causes:

(a) Abandonment for one year;

(b) Living in adultery;

(c) Condemnation for felony in or out of this state;

(d) Concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such a disease afterward;

(e) Force, duress or fraud in obtaining the marriage; or

(f) Uniting with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabiting.

(3) A divorce may be granted to the wife, if she is not in like fault, for the following causes:

(a) Confirmed habit of drunkenness of not less than one year's duration, accompanied by a wasting of the husband's estate and without any suitable provision for the maintenance of the wife or children;

(b) Habitually behaving toward her, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her or to destroy permanently her peace or happiness; or

(c) Such cruel beating or injury, or attempt at injury, of the wife as indicates an outrageous temper in the husband, or probable danger to her life, or of great bodily injury, from her remaining with him.

(4) A divorce may be granted to the husband for the following causes:

(a) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage;

(b) When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration;

(c) Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery;

(d) Habitually behaving toward him, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace or happiness; or

(e) Such cruel beating or injury, or attempt at injury, of the husband as indicates an outrageous temper in the wife, or probable danger to his life, or great bodily injury, from his remaining with her;

(5) (a) A divorce may be granted to the sane spouse when either the husband or wife has become permanently and incurably insane; provided, that no divorce shall be granted under this subsection unless such permanently incurably insane person shall have been confined in an insane asylum, hospital or other similar institution for a period of not less than five successive years prior to the filing of the petition for divorce, whether such period of time shall have been prior to or subsequent to June 19, 1946, or partly both, nor unless the court shall find from the testimony of two or more physicians competent in psychiatry that such insanity in their opinion, is permanently incurrable. Except that when the insane spouse has been committed upon the testimony of two doctors to an insane asylum, hospital or other similar institution operated within this state by the Vet-

erans Administration, Public Health service or other Federal Agency and has been by said agency transferred to its asylum, hospital or other facility in another state and has been kept at said place or places of transfer for more than five years and not restored to competency, said facts shall constitute sufficient proof of permanent insanity to authorize the granting of a divorce to the sane spouse.

(b) The petition shall be filed under oath, in the court having jurisdiction over divorce matters in either the county where the plaintiff resides or in the county where the institution is located in which the insane person is confined.

(c) Service of process under this subsection shall be made as provided in Section 53, Kentucky Civil Code of Practice, relating to service of process upon persons of unsound mind.

(d) In cases arising under this subsection the court shall possess all powers which courts of equity now have, or which may hereafter be conferred upon them, relative to alimony, and custody and control and support of infant children of the parties. Where the plaintiff is the husband the court may, when necessary and circumstances warrant, require the plaintiff to pay alimony, support or maintenance for the benefit of said defendant and make provisions for the reasonable expense for the burial of said defendant, or it may require the plaintiff to give bond to the State of Kentucky, conditioned upon the payment by the plaintiff for the care and maintenance of said defendant during the remainder of her life and necessary funeral expenses. The court may, upon notice, modify or revoke any orders or decrees relating to the custody of infant children and their support and the support and maintenance of the defendant.

Mr. Hayes moved the Previous Question.

Whereupon ,the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	James P. Hanratty	Walter R. Moorman
Walter J. Bailey	George F. Harris	Fred H. Morgan
Clarence J. Barnum	Paul E. Hayes	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	W. M. Horn	Hobart Rayburn
Fred Beshear	Richard R. Houpt	W. R. Reasor
Edward O. Bridgers	Robert N. Hubbard	Amos Runyan
J. D. Buckman, Jr.	Mrs. J. T. Linton	Dr. Roy Sanders
Mrs. M. E. Burnett	Homer E. Losey	Jesse H. Shelton
Charles W. Burnley	A. L. (Chick) Love	Forest Smith
Alex Calvert	Harry K. Lowman	Joseph T. Snapp
Stanley Carter	True Mackey	Raymond D. Stigall
Paul Combs	John Martin	W. R. Stringer
R. Josh Cosby	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Jack McPherron	G. F. Williamson
C. A. Hammons		

—46

Those who voted in the negative were—

Bernam Adams	Woodrow W. Hollan	Roy Searcy
Bill Adams	Silas Jacobs	Paul E. Shannon
Edgar Arnett	Paul S. Jonas	James S. Shaw
John D. Beatty	Barkley Jones	Gus Sheehan, Jr.
Thomas L. Britton	William Jones	J. Claude Stacy
B. H. Crider	James W. Lambert	Roy Steers
Owen Deering	Alton Mitchell	Egbert V. Taylor
G. I. Drury	Emmett G. Moore	Ralph N. Walter
R. C. Estepp, Sr.	Dr. C. E. Palmore	Harry Lee Waterfield
Henry C. Hale	Leonard W. Preston	Lyle H. Webb
Harold G. Helm	Carl J. Ruh	Morris Weintraub
E. R. Hilton	LeRoy Saylor	Charles W. Wirsch

—36

Resolved that the title thereof be as aforesaid.

Mr. Hayes moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 256. AN ACT relating to unemployment insurance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Chapter 341 of the Kentucky Revised Statutes is repealed and re-enacted so that when re-enacted the same shall read and be numbered as follows:

CONSTRUCTION OF CHAPTER

341.005 *Department, Commissioner, Commission and Division.* As used in this chapter, unless the context clearly requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his duly authorized representative;

(3) "Commission" means the Unemployment Insurance Commission; and

(4) "Division" means the Division of Unemployment Insurance in the Department of Economic Security.

341.020 *Fund, state, contributions and benefits.* As used in this chapter, unless the context clearly requires otherwise:

(1) "Fund" means the Unemployment Insurance Fund established by KRS 341.490, to which all contributions, and from which all benefits shall be paid;

(2) "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia;

(3) "Contributions" means the money payments, exclusive of interest and penalties, to the Unemployment Insurance Fund required by this chapter and by any previous unemployment compensation law of this state; and

(4) "Benefits" means the money payments payable to a worker under this chapter and under any previous unemployment compensation law of this state with respect to his unemployment.

341.030 *Wages.* (1) As used in this chapter, unless the context clearly requires otherwise, and except as provided in subsections (2) to (7) of this section, "wages" means all remuneration for services, including commissions, bonuses, and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission.

(2) Amounts paid to traveling salesman or other workers as allowance or reimbursement for traveling or other expenses, incurred on the business of the employing unit, constitute wages only to the extent of the excess of such amounts over such expenses actually incurred and accounted for by the worker to his employer.

(3) Gratuities and tips customarily received by a worker in the course of his employment from persons other than his employing unit do not constitute wages.

(4) "Wages" does not include the amount of any payment made to, or on behalf of, a worker under a plan or system established by an employing unit that makes provision for its workers generally or for a class of its workers, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, on account of:

(a) Retirement;

(b) Sickness or accident disability;

(c) Medical and hospitalization expenses in connection with accident or sickness disability; or

(d) Death, if the worker has not:

1. The option to receive, instead of provision for such death benefit, any part of the payment, or if such death benefit is insured, any part of the premiums or contributions to premiums paid by his employing unit, and

2. The right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of it either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employing unit.

(5) "Wages" does not include the amount of any payment made by an employing unit without deduction from the remuneration of the worker:

(a) Of the tax imposed under the Federal Insurance Contribution Act (53 Stat. Part I, sections 1400-1431); or

(b) Of any contributions required of a worker under this chapter.

(6) "Wages" does not include any dismissal payments which an employing unit is not legally required to make.

(7) "Wages" does not, for the purposes of KRS 341.260 to 341.290, include that part of remuneration which, after wages equal to three thousand dollars have been paid to a worker by a subject employer with respect to covered employment during any calendar year, is paid to such worker by such subject employer with respect to covered employment during such calendar year.

341.040 *Reserve account and annual payroll.* As used in this chapter, unless the context clearly requires otherwise:

(1) "Reserve account" means a separate reserve account maintained by the Division in the fund under KRS 341.530 and 341.540. No amount shall be considered to be in any reserve account on any date which has not been actually received by the Division by that date, and no benefit amount shall be considered to be deducted from the reserve account by any date for which a check has not been written and sent by that date.

(2) "Annual payroll" means the total amount of wages paid by a subject employer during a twelve-consecutive-month-period for covered employment.

341.050 *Covered employment.* (1) As used in this chapter, unless the context clearly requires otherwise and subject to the other provisions of this section, "covered employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied in which the relationship of the individual performing such service and the employing unit for which such services are rendered is, as to those services, the legal relationship of employer and employe.

(2) "Covered employment" includes a worker's entire service performed within or both within and without this state if:

(a) The service is localized in this state; or

(b) The service is not localized in any state, but some of the service is performed in this state, and:

1. The base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or

2. The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the worker's residence is in this state.

(3) Services not covered under subsections (1) or (2) of this section, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal Government, are covered employment if the worker performing them is a resident of this state and if the Commissioner approves the election of the employing unit for which they are performed that the entire service of such worker shall be deemed to be covered employment.

(4) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the worker's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Unless the employing unit thereof has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment" does not include:

(a) Agricultural labor;

(b) Domestic service in a private home;

(c) Service performed in the employ of this state, or any political subdivision thereof or of any of its municipalities;

(d) Service performed in the employ of any other state or of any political subdivision thereof, or of the United States Government, and services performed in the employ of a corporation or agency created under an Act of Congress and engaged in the performance of a governmental function and the employes of which are compensated out of funds appropriated by Congress;

(e) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The Commissioner may enter into agreements with the proper agencies under such Act of Congress to provide reciprocal treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(f) Service performed by a worker in the employ of his son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his father or mother;

(g) Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated ex-

clusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(h) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an interne in the employ of a hospital by a worker who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this state;

(i) Service performed by a worker for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;

(j) Service performed by a worker under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(k) Service performed by a full-time student who is regularly attending classes at a school, college or university.

341.060 *Employing unit.* (1) As used in this chapter, unless the context clearly requires otherwise, "employing unit" means any individual or type of organization, including any partnership, association, society, trust, estate, joint-stock company, corporation, insurance company, whether any of these are domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, or this state or any department, division, administrative unit, political subdivision or municipality thereof, which has or subsequent to January 1, 1936, had one or more workers performing services for it within this state, or one or more workers performing services for it in covered employment in any state.

(2) All workers performing service within this state for any employing unit which maintains two or more separate establish-

ments within this state shall be deemed to be employed by a single employing unit for all purposes of this chapter.

341.070 *Subject employer.* As used in this chapter, unless the context clearly requires otherwise, "subject employer" means:

(1) Any employing unit which, in each of three calendar quarters in the preceding calendar year, had in covered employment four or more workers (whether or not the same workers), to as many as four of whom at least fifty dollars in wages was payable to each with respect to such covered employment in each such quarter.

(2) Any employing unit which for some portion of a day (but not necessarily simultaneously) in each of twenty different weeks (whether or not such weeks are consecutive) within either the current or the preceding calendar year, has or had in covered employment eight or more workers whether the same workers are or were employed in each such day).

(3) Any employing unit that succeeds to the organization, trade or business of another employing unit which at the time of such succession is a subject employer; and any employing unit which succeeds to the organization, trade, or business of any previously separate portion of another employing unit, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(4) Any employing unit that succeeds to any of the assets of a subject employer's business by any means whatever, otherwise than in the ordinary course of trade, is a subject employer if:

(a) The transferee has continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(b) The transferee has employed substantially the same workers as those the transferor had employed in connection with the assets acquired; and

(c) The transferee has acquired a previously separate portion of the transferor's assets, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(5) Any other employing unit which has elected to become subject to this chapter, pursuant to subsection (3) of KRS 341.250.

(6) Any employing unit which has in covered employment within this state workers subject to the Federal Unemployment Tax Act.

(7) Any employing unit which, having become a subject employer under subsections (1) to (6) of this section, has not ceased to be a subject employer under KRS 341.250.

(8) Notwithstanding the provisions of this section or any other provision of this chapter, no employing unit shall be initially determined a subject employer on the basis of covered employment performed more than six calendar years prior to the year in which such determination is made, unless the Commissioner can show that the records of such employment experience were fraudulently concealed or withheld for the purpose of escaping liability under this chapter.

341.080 *Year, quarter, week, and week of unemployment.* As used in this chapter, unless the context clearly requires otherwise:

(1) Except in so far as the Commission by regulation prescribes the equivalent thereof to meet particular conditions:

(a) "Calendar year" means a year beginning on January 1; and

(b) "Calendar quarter" means three consecutive months beginning on January 1, April 1, July 1, or October 1.

(2) "Week" means such period of seven consecutive calendar days as the Commission by regulation prescribes.

(3) The term "week of unemployment" means any period of seven consecutive days, as prescribed by Commission regulations during which:

(a) The worker earned less than the benefit rate deter-

mined for him in accordance with the provisions of subsection (2) of KRS 341.380, and

(b) Less than twenty-four hours of suitable work were available to him; provided that for the purpose of this subsection any work performed by him shall be included in the computation of the number of hours of suitable work available to him.

341.090 *Base period, benefit year and base-period wages.* as used in this chapter, unless the context clearly requires other wise:

(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of a worker's benefit year.

(2) "Benefit year" for any worker means the period of time beginning with the date as of which he first files a valid claim for benefits and ending one full year later, and thereafter, the period of time beginning with the date as of which he next files a valid claim for benefits after the termination of the last preceding benefit year and ending one full year later, except that any claim filed as of February 29 of any year shall be construed to have been filed as of February 28 of such year. As used in this subsection "valid claim" means any initial claim for benefits if the worker has satisfied the conditions required under subsection (5) of KRS 341.350.

(3) "Base-period wages" means the wages paid to a worker during his base period by subject employers for covered employment. The Commissioner may, with respect to this subsection, consider wages paid to mean wages payable in order to prevent inequities in particular cases.

341.100 *Suitable work.* (1) In determining for any purpose under this chapter whether or not any work is suitable for a worker the Commissioner shall consider, among other pertinent conditions, the degree of risk involved to his health, safety and morals; his physical fitness and prior training; his experience and prior earnings; his length of unemployment and prospects for securing local work in his customary occupation; and the distance of the available work from his residence.

(2) For the purpose of this chapter, no work shall be suitable and neither waiting period credit nor benefits shall be denied under this chapter to any otherwise eligible worker for refusing to accept new work or new conditions of work under one or more of the following:

(a) If the position offered is vacant due directly to a strike, lock-out or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable than those prevailing for similar work in the locality;

(c) If, as a condition of being employed, the worker would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(d) If the acceptance of such work would be prejudicial to the continuance of an established employer-employe relationship to which the worker is a party.

ADMINISTRATIVE ORGANIZATION

341.110 *Unemployment Insurance Commission; quorum, salaries.* (1) In the Department of Economic Security there shall be an Unemployment Insurance Commission composed of the Commissioner of Economic Security and two associate commissioners appointed by the Governor.

(2) The Commissioner shall represent the state and the public and shall be chairman of the Commission. One associate commissioner shall be appointed as a representative of labor and one as a representative of employers. The chairman and one other member of the Commission shall constitute a quorum.

(3) The associate commissioners shall be appointed on the basis of their merit and fitness to perform their duties and exercise the responsibilities of their offices. They shall be citizens of this state and not less than thirty years of age.

(4) The terms of each associate commissioner shall be for four years from the date of appointment and until a successor is

appointed and qualified, except that appointment to vacancies shall be for the unexpired term.

(5) The associate commissioners shall be paid from the Unemployment Compensation Administration Fund fees at the rate of twenty-five dollars each per day, plus necessary expenses while engaged in the discharge of their official duties, not exceeding total fees of four hundred dollars per month.

341.115 *Powers and duties of the Commission.* (1) The Commission shall have the power and authority to adopt, amend or rescind such rules and regulations as it deems necessary or suitable for the proper administration of this chapter, except that the Commissioner may prescribe regulations where the exigencies of the situation, in his judgment, requires their immediate prescription. The Commission shall determine its own organization and methods of procedure.

(2) General and special rules may be adopted, amended or rescinded by the Commission only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the Secretary of State and publication in the manner which the Commission prescribes. Special rules shall become effective ten days after notification of or mailing to the last known address of the individuals or concerns affected thereby. Regulations shall become effective in the manner and at the time prescribed by the Commission.

(3) The Commission shall serve as an appeals board to hear and decide appeals filed in accordance with the provisions of KRS 341.430 and shall adopt regulations governing the manner of filing appeals and the conduct of hearings and appeals consistent with the provisions of this chapter.

341.125 *Commissioner; powers and duties.* (1) It shall be the duty of the Commissioner to administer this chapter; and he shall have power and authority to make such expenditures, require such reports, make such investigations, and take such other action, not specifically assigned to the Unemployment Insurance Commission, as he deems necessary for the proper administration of this chapter.

(2) The Commissioner is authorized, subject to the provisions of KRS Chapters 12, 42, and 45, to appoint, fix the compensation and prescribe duties and powers of such officers and employes as may be necessary in the performance of his duties under this chapter. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The Commissioner shall not employ or pay any person who is an officer or committee member of any political party organization. The Commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this chapter.

(3) The salary and expenses of the Commissioner and his staff shall be considered a proper cost of the administration of this chapter, to be charged to the Unemployment Compensation Administration Fund in that proportion which the cost of such services rendered in the administration of this chapter bears to the over-all cost of the services rendered in the administration of the Department.

(4) The Commissioner shall submit to the Governor an annual report covering the administration and operation of this chapter and make such recommendations for amendments to this chapter as he deems proper.

(5) In the administration of this chapter the Commissioner shall cooperate to the fullest extent possible with any agency of this state or any other state or of the United States and take such action as may be necessary to secure for this state and citizens all the advantages available under the provisions of the Social Security Act as amended, Section 1601 of the Federal Unemployment Tax Act, and the Wagner-Peyser Act, as amended.

341.135 *Election of coverage.* (1) The Commissioner may elect coverage for the workers of the Department or any division or administrative unit thereof under subsection (3) of KRS 341.250 and the Workmen's Compensation Law of this state. In the event such coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the Workmen's Compensation Law shall be deemed a proper cost of administration.

(2) If and when the Congress of the United States amends the Federal Social Security Act so as to extend its provisions to include state employes, the Commissioner may take such actions as are necessary to extend the benefits of such act to the employes of the Department or any division or administrative unit thereof. In the event of such extension the contributions required of the Department as the employer shall be deemed to be a proper cost of administration and the contributions required of the employes shall be withheld by the Department.

341.145 *Reciprocal arrangements.* (1) The Commissioner may enter into administrative arrangements with the agencies of other states or the Federal Government similarly charged with the administration of unemployment compensation laws, for the purpose of assisting the Commissioner and such agencies in the payment of benefits under the several laws. Such arrangements may provide that the respective agencies shall, for and on behalf of each other, act as agents in effecting registrations for work, notices of unemployment, and any other certifications or statements relating to a worker's claim for benefits, in making investigation, taking depositions, holding hearings, or otherwise securing information relating to benefits eligibility and payments; and in such other matters as the Commissioner considers suitable in effectuating the purpose of these administrative arrangements.

(2) The Commissioner may enter into arrangements with the appropriate agencies of other states or the Federal Government whereby workers performing services in this and other states for a single employing unit under circumstances not specifically provided in KRS 341.050, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states.

341.150 *Publication of chapter.* The Commissioner shall cause to be printed for distribution to the public the text of this chapter, the commission's regulations and general rules, his annual report to the Governor, and any other material he deems relevant and suitable, and shall furnish the same to any person upon application therefor.

341.170 *Advisory councils.* The Commissioner shall appoint a State Advisory Council and may appoint local advisory councils, composed in each case of equal numbers of employer representatives and employe representatives who may fairly be regarded as representative because of their vocation, employment, or affiliations, and of such members representing the general public as the Commissioner designates. These councils shall aid the Commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. The members shall serve without compensation, but shall be reimbursed for any necessary expenses.

341.180 *Employment stabilization.* Upon direction of the Governor, the Commissioner with the advice and aid of the advisory councils, shall take all appropriate steps to reduce and prevent unemployment; encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; investigate, recommend, advise, and assist in the establishment and operation by cities, counties, school districts and the state, of reserves for public works to be used in times of business depression and unemployment; and to promote the employment of unemployed workers throughout the state in every other feasible way, and to these ends to carry on and publish the results of investigations and research studies.

341.190 *Records and reports.* (1) Each employing unit shall keep true and accurate work records of all workers employed by it, of the wages paid by it to each worker, and such other information as the Commissioner considers necessary for the proper administration of this chapter. Such records shall be open for inspection and subject to being copied by the Commissioner or his authorized representatives at any reasonable time and as often as necessary.

(2) The Commission may require any employing unit to furnish to the Division at its central office from time to time information concerning the total amount of wages paid, total number of persons employed, an individual record of each worker employed, an individual record of each worker whose

employment has been terminated or who has been laid off, an individual wage and hour record of each worker employed part time entitled to benefits, and other related matters, including hours worked, which the Commission considers necessary to the effective administration of this chapter.

(3) All letters, reports, communications, and other matters, written or oral, from employer or worker, to the Commissioner or any of his agents, representatives, or employes, or to the Commission, or to any board or official functioning under this chapter, which have been written, sent, or made in connection with the requirements and administration of this chapter, shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no employer or employe, or his representative testifying before the Commission, the Commissioner or any duly authorized representative thereof, shall be exempt from punishment for perjury. Information thus obtained shall not be published or be open for public inspection, except to public employes in the performance of their duties, in any manner revealing or indicating the employing unit's identity, but any claimant at a hearing before the Commission, the Commissioner or his duly authorized representative, shall be supplied with information from such records to the extent necessary for the proper presentation of his claim.

341.200 *Power to hear witnesses, issue subpoenas.* In the discharge of the duties imposed by this chapter members of the Commission, the Commissoner or any duly authorized representative thereof, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of this chapter. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.

341.210 *Protection against self-incrimination.* No person shall be excused from attending and testifying or from produc-

ing books, papers, correspondence, memoranda or other records before the Commission or any member thereof, or the Commissioner or his duly authorized representative, on the ground that the evidence required of him may tend to incriminate or subject him to a penalty or forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-incrimination, to give evidence, except that such witness so testifying shall not be exempt from punishment for perjury.

341.220 *Cooperation with other agencies.* (1) In the administration of this chapter, the Commissioner shall:

(a) To the fullest extent consistent with the provisions of this chapter, cooperate with the Federal Bureau of Employment Security;

(b) Make such reports in such form and containing such information as such agency may from time to time require;

(c) Comply with such provisions as such agency may from time to time find necessary to assure the correctness and verification of such reports; and

(d) Comply with the provisions of Title III of the Social Security Act relating to the expenditure of such funds as may be allotted and paid to this state for the purpose of assisting in the administration of this chapter.

(2) Upon request therefor the Commissioner shall furnish to any agency of this or any other state or the United States charged with the administration of public works or assistance, through public employment or otherwise, the name, address, ordinary occupation and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter.

(3) The Commissioner may make records relating to the administration of this chapter available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of that board, as many copies thereof as the board requests.

(4) The Commissioner may afford reasonable cooperation with every agency of any state or of the United States charged with the responsibility of administering an unemployment insurance law.

341.230 *Destruction of records.* The Commissioner may authorize the destruction of such original reports and records as have been properly recorded and summarized in the permanent records of the Division or are no longer considered necessary for the proper administration of this chapter. Wage records of the individual worker or transcripts thereof may be destroyed or disposed of two years after the expiration of the period covered by them or upon proof of death of the worker. Such destruction or disposition shall be made only by order of the Commissioner. Any money received from the disposition of such records shall be deposited to the credit of the Unemployment Compensation Administration Fund.

341.240 *Unemployment Compensation Administration Fund.* (1) There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Administration Fund. All money deposited or paid into this fund is hereby appropriated and shall be continuously available to the Commissioner for expenditure consistent with this chapter, and shall not lapse at any time. A general statement that all continuing appropriations are repealed shall not be construed as repealing this section.

(2) All money in this fund shall be expended solely to defray the cost of the administration of this chapter.

(3) The fund shall consist of all money appropriated by this state and all money received from the United States, or any agency thereof or from any other source, for the administration of this chapter.

(4) In order to establish and maintain free employment offices, the Commission may enter into agreements with the Railroad Retirement Board or any other agency charged with the administration of an unemployment insurance law, with any cities or other political subdivisions of this state or with any pri-

vate nonprofit organization. As a party to any such agreement, the Commission may accept money, service or quarters as a contribution to the Unemployment Compensation Administration Fund.

341.245 *Authority to acquire office space.* The Commissioner is authorized and empowered to use all or any part of the funds accumulated under the provisions of KRS 341.290 and KRS 341.295 for the purpose of acquiring suitable office space for the Division and the Department by way of purchase, lease, contract, or in any other manner including the right to use said funds or any part thereof to assist in financing the construction of any building erected by the Commonwealth or any of its agencies wherein available space will be provided for the Division and the Department under lease or contract between the Department and the Commonwealth or such other agency whereby said Department and Division will continue to occupy such space, rent free, after the cost of financing such building has been liquidated.

CONTRIBUTIONS

341.250 *Employer's coverage; period; termination; election of liability.* (1) Any employing unit that becomes subject to this chapter within any calendar year shall be considered a subject employer during the whole of that calendar year, except as specifically provided in subsections (3) and (4) of this section or elsewhere in this chapter.

(2) Except as provided in subsections (3) and (5) of this section, a subject employer shall cease to be a subject employer only as of the first day of January of any calendar year if he files with the Division, prior to the first day of March of that year, a written application for termination of coverage, and the covered employment performed for such subject employer within the preceding calendar year was not sufficient to render an employing unit a subject employer under subsections (1), (2), (3), (4) and (6) of KRS 341.070. The Commissioner may, however, after notifying such employer in writing at his last known address, terminate the coverage of any subject employer as of the first day of January of any calendar year if such subject employer has had no individuals in covered employment in this

state at any time during the three preceding calendar years, and the balance of such employer's reserve account may be immediately transferred to the pooled account.

(3) (a) Any employing unit not otherwise subject to this chapter that files with the Division its written election to become a subject employer for not less than two calendar years shall, with the written approval of such election by the Commissioner, become subject hereto to the same extent as all other subject employers, as of the date stated in such approval, but not with respect to the period previous to such date. Such subject employer shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if prior to March 1 of such year, it has filed with the Division a written notice to that effect.

(b) Any employing unit for which services that do not constitute covered employment are performed, may file with the Division a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be considered to constitute covered employment by a subject employer for all the purposes of this chapter for not less than two calendar years. Upon written approval of such election by the Commissioner, such services shall be considered to constitute covered employment from and after the date stated in such approval, but not with respect to the period previous to such date. Such services shall cease to be considered covered employment subject hereto as of January 1 of a calendar year subsequent to such two calendar years, only if prior to March 1 of such year such employing unit has filed with the Division a written notice to that effect.

(4) An employing unit that becomes a subject employer under subsection (3) or (4) of KRS 341.070, shall become subject as of the date of acquisition.

(5) Notwithstanding the provisions of subsections (1), (2), and (3) of this section any subject employer whose entire reserve account has been transferred to a successor in interest as provided for in KRS 341.540 shall immediately cease to be a subject employer and shall thereafter become a subject employer only upon his future employment experience.

341.260 *Payment of contributions by employer.* Contributions shall accrue and become payable by each subject employer for each calendar year in which he is subject to this chapter. Such contributions shall be based upon wages paid during such calendar year for covered employment. Such contributions shall become due and be paid at the offices of the Division in Frankfort by each subject employer to the Division for the fund in accordance with such regulations as the Commission prescribes, and shall not be deducted in whole or in part from the wages of workers in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded, unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

341.270 *Determination of employer's contribution rate.* (1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) For the year 1942 and for each calendar year thereafter the rate applicable to each subject employer shall be two and seven-tenths percent unless contributions were payable to his account with respect to the three consecutive years immediately preceding the computation date, and no subject employer's rate shall be less than two and seven-tenths percent unless funds were available throughout the preceding year, from which benefits could have been payable from his account, to any worker in his employ who became unemployed and eligible.

(3) For the year 1948 and each calendar year thereafter each subject employer's rate shall, except as provided in KRS 341.560, be determined upon the basis of his actual experience in the payment of contributions paid and credited to his reserve account and with respect to benefits charged against that account. If, as of the computation date, the balance of that account equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date, his contribution rate shall be:

(a) One and eight-tenths percent if such balance equals or exceeds three and thirty-three one-hundredths per cent but is less than four and eighteen one-hundredths percent of that part

of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(b) Nine-tenths of one percent if such balance equals or exceeds four and eighteen one-hundredths percent but is less than five percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(c) Zero if such balance equals or exceeds five per cent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date.

(4) The Commission may by regulation prescribe the computation date for determining rates applicable to any calendar year. "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contributions, as of which those rates are computed.

(5) "Balance" as used in this section and KRS 341.530 to 341.560 means the total of all contributions paid and credited to a reserve account plus the total of all benefits charged in accordance with subsection (2) of KRS 341.550, against the pooled account because of the exhaustion, as of a computation date, of such reserve account less the total of all benefits charged against that reserve account.

341.290 *Contributions from employers not subject to Federal Unemployment Tax Act.* Any subject employer not required to pay the tax imposed by section 1600 of the Federal Unemployment Tax Act (53 Stat. Part I, Sections 1600-1610) shall pay an equalizing contribution to be allocated to administration purposes amounting to three-tenths percent of the wages paid by it with respect to covered employment. The contributions required under this section shall be credited to the Unemployment Compensation Administration Fund. The State Treasurer shall maintain a separate record of all money received for the Unemployment Compensation Administration Fund under this section. This money shall not be expended or available for

expenditure in any manner that would permit its substitution for, or a corresponding reduction in, Federal funds that would be available in its absence to finance expenditures for the administration of this chapter. But nothing in this chapter shall prevent this money from being used as a revolving fund to cover necessary and proper expenditures for which Federal funds have been duly requested but not received, subject to the charging of such expenditures against such funds when received. The Commissioner may also authorize to be charged against such money any expenditures he deems proper and desirable for the administration of this chapter, if no other funds are available or can properly be used to finance such expenditures.

341.295 *Unemployment Compensation Contingent Fund.* There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Contingent Fund to which shall be credited all fines, penalties, and interest on delinquent contributions collected under KRS 341.300. All amounts in this fund are hereby continuously appropriated, without regard to fiscal years, for the administration of KRS Chapter 341. The State Treasurer shall maintain a separate record of all money received for the Unemployment Compensation Contingent Fund under this section. This money shall not be expended or available for expenditure in any manner that would permit its substitution for, or a corresponding reduction in, Federal funds that would be available in its absence to finance expenditures for the administration of KRS Chapter 341, and immediately upon receipt of administrative grants from the appropriate agency of the Federal Government to cover administrative cost for which the Commissioner has authorized and made expenditures from this fund, such grants shall be transferred to this fund to the extent necessary to reimburse such fund for the amount of such expenditures. The Commissioner may use the money in this fund to cover expenditures necessary for the administration of KRS Chapter 341 for which Federal funds have been duly requested but not received or to supplement Federal funds which are, in his opinion, insufficient to properly administer KRS Chapter 341. The Commissioner may also authorize to be charged against such fund any expenditures he deems proper and desirable for the administration of KRS Chapter 341 and replace any

money necessary under the provisions of KRS 341.610, if no other funds are available or can properly be used to finance such expenditures.

341.296 *Investment of Administration Fund and Contingent Fund.* Such money in the Unemployment Compensation Administration Fund collected under KRS 341.290, and the Unemployment Compensation Contingent Fund collected under KRS 341.295, shall be invested by the State Treasurer in bonds and other interest bearing obligations of the United States of America, in such amounts, and in such of the securities herein authorized, as the Commissioner may in his discretion prescribe and direct; provided, however, such funds as may be accumulated under the above sections may be invested by the Sinking Fund Commission, upon the request of the Commissioner, in revenue bonds issued by the State Property and Buildings Commission. The State Treasurer shall dispose of securities or other property belonging to such funds only under the direction of the Commissioner.

341.300 *Penalty on unpaid contributions; collection.* (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the Commission, shall be subject to a penalty at the rate of one percent per month or fraction thereof from and after such date until payment is received by the Division. These penalties shall be paid into the Unemployment Compensation Contingent Fund.

(2) If, after due notice, any subject employer defaults in any payment of contributions or penalties thereon, the amount due shall be collected by civil action in the name of the state, and the subject employer adjudged in default shall pay the cost of the action. Civil actions brought under this section shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workmen's compensation law.

(3) At or after the commencement of an action under subsection (2) of this section attachment may be had against the property of the liable subject employer for such contributions

and penalties without the execution of a bond, or after judgment has been entered an execution may be issued against the property of such employer without the execution of a bond.

(4) An action for the recovery of contributions or penalties under this section shall be barred and any lien therefor shall be canceled and extinguished unless collected or suit for collection has been filed within five years from the due date of such contributions, except in the case of the filing of a false or fraudulent report the contributions due shall not be barred and may at any time be collected by the methods set out in this chapter, including action in a court of competent jurisdiction.

341.310 *Lien on employer's property for contributions.* (1) A lien on a parity with state, county, and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereafter created is hereby created in favor of the Division upon all property of any subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the Division on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest or penalties become due.

(2) The Commissioner may file notice of this lien with the county court clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same manner as his lis pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS Chapter 356, or affect the rights of any person taking the property or a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of $1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in

no event shall the Commonwealth, the Department or the Division be required to pay same.

(3) In addition and as an alternative to any other remedy, the Commissioner may enforce the lien by petition in the name of this state to the circuit court of Franklin County, if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the county in which the property is situated under the direction of and reporting to the Franklin Circuit Court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

341.330 *Adjustment or refund to employing unit.* Not later than five years after the date on which any contributions or penalties were paid, an employing unit which has paid such contributions or penalties may make application for an adjustment in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made. If such contributions or penalties or any portion thereof were erroneously collected, the employing unit shall be allowed to make an adjustment thereof, without interest, in connection with subsequent contribution payments by it; or, if such adjustment cannot be made, such amount shall be refunded, without interest, from the funds into which such contribution or penalties were paid. For like cause and within the same period adjustment or refund may be so made by the Commissioner on his own initiative.

BENEFITS

341.350 *Conditions of qualification for benefits.* An unemployed workér shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the Commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work;

(5) His base-period wages are not less than three hundred dollars; and

(6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemployment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

341.360 *Conditions of disqualification for benefits.* No worker may serve a waiting period or be paid benefits for any week of unemployment with respect to which:

(1) A strike or other bona fide labor dispute which caused him to leave or lose his employment is in active progress in the establishment in which he is or was employed, except that waiting periods may be served and benefits may be paid unless the employer notifies the Division in writing within seven days after the beginning of such alleged strike or labor dispute of the alleged existence of such strike or labor dispute. For the purpose of this paragraph a lock-out shall not be deemed to be a strike or a bona fide labor dispute and no worker shall be denied credit for a waiting period or be denied benefits by reason of a lock-out; or

(2) He has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States, except as otherwise provided by an arrangement between this state and such other state or the United States. But if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment compensation, this subsection shall not apply.

341.370 *Conditions of benefit disqualification.* (1) A worker shall be disqualified from receiving benefits or serving a waiting period for not less than one nor more than sixteen weeks immediately following the commission of any of the following disqualifying facts, if, according to the circumstances in each case:

(a) Subsequent to his most recent work, he has failed without good cause either to apply for available, suitable work

when so directed by the employment office or the Commissioner or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the Commissioner;

(b) He has left his most recent suitable work voluntarily without good cause; or

(c) He has been discharged for misconduct connected with his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct.

(2) A worker shall be disqualified from receiving benefits or serving a waiting period for the duration of any period of unemployment with respect to which:

(a) He was discharged for dishonesty in connection with his most recent work;

(b) He voluntarily quit his most recent work to marry or for the purpose of attending school or to become self-employed.

(3) A worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits, and for such additional weeks during his benefit year as the Commissioner may determine according to the circumstances in each case.

(4) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the Division and the worker in writing of the alleged voluntary quitting or the discharge for misconduct.

(5) As used in this section, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

341.380 *Payment of benefits; amount.* (1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) Benefits payable to an eligible worker, whose benefit year begins on or after April 1, 1950, for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year shall be the amount in Column "D" of Table "A" which appears on the same line with "Base-Period Wages" of such worker as shown in Column "B" of the same table.

TABLE A

Wages Class (A)	Base-Period Wages (B)	Benefit Rate (C)	Maximum Amount D)
0	Less than—$ 300.00	$ 0.00	$ 0.00
1	300.00— 349.99	8.00	192.00
2	350.00— 399.99	9.00	216.00
3	400.00— 449.99	10.00	240.00
4	450.00— 524.99	11.00	264.00
5	525.00— 599.99	12.00	288.00
6	600.00— 699.99	13.00	312.00
7	700.00— 799.99	14.00	336.00
8	800.00— 949.99	15.00	360.00
9	950.00— 1,099.99	16.00	384.00
10	1,100.00— 1,249.99	17.00	408.00
11	1,250.00— 1,399.99	18.00	432.00
12	1,400.00— 1,549.99	19.00	456.00
13	1,550.00— 1,749.99	20.00	480.00
14	1,750.00— 1.949.99	21.00	504.00
15	1,950.00— 2,149.99	22.00	528.00
16	2,150.00— 2,349.99	23.00	552.00
17	2,350.00 or over	24.00	576.00

341.390 *Deductions from benefits.* There shall be deducted from the benefit rate determined for a worker in accordance with subsection (2) of KRS 341.380:

(1) Eighty percent adjusted to the nearest multiple of one dollar, of the amount of wages earned by such worker during the week of unemployment with respect to which he claims benefits; and

(2) The amount of remuneration which the worker has received or is receiving with respect to such week of unemployment (adjusted to the nearest multiple of one dollar) in the form of remuneration in lieu of notice.

341.400 *Notice to workers.* Each subject employer shall post and maintain in places readily accessible to his workers printed statements concerning such regulations or such matters as the Commission prescribes. Each subject employer shall make available to his workers copies of such printed statements and such materials relating to claims for benefits as the Commission prescribes. Such printed statements and materials shall be supplied by the Division without cost to the employer or workers.

341.410 *Determination of claims; notification of interested parties.* The Commissioner acting through his duly authorized representatives shall determine the validity of each claim and, if benefits are allowed, the Division shall notify all interested parties. If benefits are denied the Division shall notify the claimant. The Commissioner may, at any time within a claimant's benefit year, make such further determinations as may affect the claimant's eligibility for benefits or may set aside, reconsider, modify, or amend a determination at any time on the basis of additional information or to correct a clerical mistake. The Commission may by regulation prescribe what constitutes a determination as used in this section and in subsections (2) and (3) of KRS 341.420.

341.415 *Recovery and recoupment; limitations.* (1) Any person who has received any sum as benefits under this chapter while any condition for the receipt of such benefits was not fulfilled in his case, or while he was disqualified from receiving

benefits, shall, in the discretion of the Commissioner, either have such sum deducted from any future benefits payable to him under this chapter or repay the Division for the fund a sum equal to the amount so received by him. Such sum may be collected the manner provided in subsection (2) of KRS 341.300 for collection of past due contributions and any sums so collected shall be credited to the pooled account.

(2) Any amount paid to a person as benefits, which he has been found liable to repay or to have deducted from future benefits under subsection (1) of this section, which has neither been repaid nor so deducted within a period of three years following the last day of the benefit year within which it was paid, shall be deemed to be uncollectible and shall be permanently charged to the pooled account, except that if such payment was made by reason of fraudulent representations, no future benefits shall be paid such person until such amount has been repaid or deducted from such future benefits without respect to time.

APPEALS

341.420 *Appointment of referees; appeals to.* (1) The Commissioner shall appoint one or more impartial referees according to KRS 341.125 to hear and decide appealed claims.

(2) A party to a determination may file an appeal to a referee as to any matter therein within ten days after the date such determination was mailed to his last known address.

(3) If benefits are allowed by a determination but the record of the case indicates that a disqualification under KRS 341.360 or 341.370 has been alleged, or may exist, benefits shall not be paid prior to the expiration of the period for appeal as provided in paragraph (2) of this section. No benefits may be paid during any time that an appeal is pending or prior to the expiration of the period for appeal, except that, if a referee affirms a determination allowing benefits, they shall be paid until or unless the decision of the referee is reversed by the Commission. If benefits are paid pursuant to a decision of the referee that is finally reversed in any subsequent proceedings with respect thereto, no employer's account shall be charged with benefits so paid but such benefits shall be charged against the pooled account.

(4) Unless such appeal is withdrawn, a referee, after affording the parties reasonable opportunity for a fair hearing, shall affirm or modify the determination. The parties shall be duly notified of his decision, together with the reasons therefor, which shall be deemed to be the final decision unless within ten days after the date of mailing of such decision, further appeal is initiated under KRS 341.430.

341.430 *Review by Commission.* (1) The Commission may on its own motion affirm, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The Commission may remove to itself or transfer to another referee the proceedings on any claim pending before a referee.

(2) An application for review by the Commission of any administrative determination affecting an employing unit's liability, contribution rate, amount of contributions, or claim for refund may be filed by such employing unit within twenty days after notice of such determination was mailed to such employing unit's last known address.

(3) Any proceedings before the Commission shall be heard and determined by the entire Commission composed of three members, except that no member of the Commission shall participate in any case in which he is an interested party, and the chairman shall act alone in the absence or disqualification of any other member. The Commission shall promptly notify the parties to any proceedings of its findings and decisions.

341.440 *Procedure on review by referee and Commission; witness fees.* (1) The manner in which appeals are presented and hearings and appeals conducted shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties, such hearings to be conducted in a summary manner. A complete record shall be kept of all proceedings in connection with any appeal. All testimony at any hearing upon an appeal shall be recorded, but need not be transcribed

unless further appealed. No examiner, referee or member of the Commission shall participate in any hearing in which he is an interested party.

(2) Witnesses subpoenaed pursuant to proceedings under KRS 341.420 and 341.430 shall be allowed fees in accordance with rates allowed by law. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter.

(3) In the absence of an appeal therefrom, decisions of the Commission shall become final twenty days after the date they are made.

JUDICIAL REVIEW

341.450 *Judicial review.* (1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the Commission, any party aggrieved thereby may, after exhausting his remedies before the Commission, secure judicial review thereof by filing a petition for review against the Commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the Commission shall be made a defendant in such action. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner. The petitioner shall furnish copies thereof for each defendant to the Commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the petition directing the Commission to file answer within fifteen days after service thereof. Such summons shall be served upon a member of the Commission, or upon such person as the Commission designates, and such service shall be deemed complete service upon all members of the Commission. The Commission may be represented by any qualified attorney designated by the Commission for that purpose or, at the request of the Commission, by the Attorney-General. With its answer, the Commission shall certify and file with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein.

If consented to by the petitioner and the adverse party, an abstract of any portion of the record may be certified by the Commission in lieu of certifying such portion of the record in full. The Commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the Commission. The court shall enter judgment affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the Commission, and may in advance of judgment, remand the case to the Commission for further proceedings in accordance with the direction of the court.

(4) An appeal may be taken from the decision of the circuit court to the Court of Appeals, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in equity cases.

(5) It shall not be necessary, in any judicial proceeding under this section or KRS 341.460 to have entered exceptions to the rulings of the Commission, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the Commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the Commission shall so order.

341.460 *Appeal to Franklin Circuit Court.* (1) In all cases of appeals arising under subsection (1) of KRS 341.360 or subsection (2) of KRS 341.430 court review may be had as provided in KRS 341.450 except that review shall be had to the Franklin Circuit Court.

(2) A claimant who has been denied benefits under subsection (1) of KRS 341.360 may appeal for himself and for and on behalf of all other claimants similarly situated within that establishment or other establishments whose claims were denied by reason of the same alleged labor dispute or strike. An employer may appeal to the Franklin Circuit Court from the decision of the Commission allowing benefits under subsection

(1) of KRS 314.360 and all workers in his establishment may be joined in such appeal.

Protection of rights and benefits. (1) No agreement by a worker to waive, release, or commute his rights to benefits or any other rights under this chapter shall be valid. No agreement by any worker to pay any portion of a subject employer's contributions, required under this chapter from such subject employer, shall be valid. No subject employer shall directly or indirectly make or require or accept any deductions from wages to finance the subject employer's contributions required of him, or require or accept any waiver by a worker of any right hereunder.

(2) No worker claiming benefits shall be charged fees of any kind in any proceeding under this chapter by the Commission, the Commissioner or his representatives. Any worker claiming benefits in any proceeding before the Commission or a court may be represented by counsel or other duly authorized agent; but no counsel or agent shall either charge or receive for such service more than an amount approved by the Commission.

(3) No assignment, pledge or encumbrance of any right to benefits due or payable under this chapter shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy for the collection of debt. Benefits received by any worker, as long as they are not mingled with other funds of the recipient, shall be exempt from any remedy for the collection of all debts except debts incurred for necessaries furnished to such worker or his spouse or dependents during the time when such worker was unemployed. No waiver of any exemption provided for in this subsection shall be valid.

FUNDS AND ACCOUNTS

341.490 *Unemployment Insurance Fund, establishment and control.* (1) There shall be a special fund known as the Unemployment Insurance Fund which shall be administered separate and apart from all public money or funds of this state. This fund shall consist of:

(a) All contributions and money collected under this chapter, except those imposed under KRS 341.290 and fines, penalties, and interest on delinquent contributions collected under KRS 341.300;

(b) Interest earned upon any money in the fund;

(c) Any property or securities acquired through the use of money belonging to the fund; and

(d) All earnings of such property or securities.

(2) Subject to this chapter, the Commissioner may have full power, authority and jurisdiction over the fund, including all money and property or securities belonging thereto, and may perform any act necessary or convenient in the administration thereof consistent with this chapter.

341.500 *Accounts and deposits.* (1) The State Treasurer shall be the treasurer and custodian of the fund. He shall administer the fund in accordance with the direction of the Commissioner and shall pay all vouchers approved by the Department of Finance and drawn upon the fund in accordance with regulations prescribed by the Commission. He shall maintain within the fund three separate accounts: a clearing account; an unemployment trust fund account; and a benefit account.

(2) All money payable to the fund, upon receipt thereof by the Division, shall be forwarded to the treasurer, who shall immediately deposit it in the clearing account. Refunds payable under KRS 341.330 may be paid from the clearing account upon warrants issued by the treasurer under the direction of the Commissioner. After clearance thereof, all other money in the clearing account shall be immediately deposited with the Secretary of the Federal Treasury to the credit of the account of this state in the Unemployment Trust Fund, established and maintained under Section 904 of the Social Security Act (49 Stat. 620), as amended, any other law to the contrary notwithstanding.

(3) The benefit account shall consist of all money requisitioned from the state's account in the Unemployment Trust Fund. Except as otherwise provided in this chapter, money in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the Commissioner, in any bank or public depositor in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

341.510 *Withdrawals from trust fund.* (1) Money shall be requisitioned from the state's account in the Unemployment

Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the Commission. The Commissioner, through the State Treasurer acting as his fiscal agent, shall from time to time requisition from the Unemployment Trust Fund such amounts not exceeding the amounts standing to this state's accounts therein, as he considers necessary for the payment of benefits for a reasonable future period.

(2) Upon receipt thereof the treasurer shall deposit such money in the benefit account and shall issue his vouchers for the payment of benefits solely from such benefit account. Expenditures of such money in the benefit account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody. All vouchers issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the approval in writing of the Commissioner of Finance.

(3) Any balance of money requisitioned from the Unemployment Trust Fund that remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the Commissioner, shall be redeposited with the Secretary of the Federal Treasury to the credit of this state's account in the Unemployment Trust Fund, as provided in KRS 341.500.

341.520 *Disposition of funds upon discontinuance of trust fund.* KRS 341.490, 341.500 and 341.510, to the extent that they relate to the Unemployment Trust Fund, shall be operative only so long as that fund continues to exist and so long as the Secretary of the Federal Treasury continues to maintain for this state a separate book account of all funds deposited therein by this state for benefit purposes together with this state's proportionate share of the earnings of that fund, from which no other state is permitted to make withdrawals. If the Unemployment Trust Fund ceases to exist, or such separate book account is no longer maintained, all money, property or securities therein, belonging to the Unemployment Insurance Fund of this state shall be transferred to the treasurer of the Unemployment Insurance

Fund, who shall hold, invest, transfer, sell, deposit and release such money, property or securities in a manner approved by the Commissioner and the Department of Finance, in accordance with this chapter. Such money shall be invested in bonds or other interest-bearing obligations of the United States of America. Investments shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The State Treasurer shall dispose of securities or other property belonging to the Unemployment Insurance Fund only under the direction of the Commissioner and the Commissioner of Finance.

341.530 *Employer reserve accounts.* (1) The Division shall maintain within the fund a separate reserve account for each subject employer, and shall, except as provided in subsection (2) of this section and KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

(2) Except as provided in subsection (3) of this section the benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base-period wages. The proportion so used shall be that ratio which is obtained by dividing the base-period wages of a worker from such employer by the total base-period wages of such worker, adjusted to the nearest multiple of one percent. For the purpose of this subsection a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an eligible worker and chargeable to an employer's reserve account under such subsection shall be charged against the pooled account if such worker was discharged by such employer for misconduct connected with his most recent work for such employer, or voluntarily left his most recent work with such employer without good cause attributable to the employment, and the employer within a reasonable time, as prescribed by commission regulation, notifies the Divi-

sion, in writing, of the alleged voluntary quitting or discharge for misconduct.

(4) Each subject employer's reserve account shall, unless terminated or exhausted as of the computation date (as defined in subsection (4) of KRS 341.270) be charged with all benefits paid to eligible workers which are chargeable to such reserve account under subsection (2) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

(5) Any subject employer may at any time make voluntary payments, additional to the contributions required under KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the Commission.

341.540. *Reserve Accounts of successive employers.* If a subject employer shall transfer or otherwise reorganize his entire organization, trade or business, the successor in interest is hereby required to assume the resources and liabilities of such employer's reserve account and to continue the payment of all contributions due under this chapter, except that the successor in interest shall not be required to assume the liability of any delinquent contributions of his predecessor or predecessors unless the Division notifies him of such delinquency within six months after the Division has notice of the transfer of ownership.

(2) The liability for delinquent contributions imposed upon the successor in interest by subsection (1) of this section shall be secondary to the liability of his predecessor or predecessors and if the delinquency has been reduced to judgment the order of execution on such judgment shall be as follows:

(a) Against the personal assets of the predecessor or predecessors;

(b) Against the assets of the business transferred; and

(c) Against the personal assets of the successor in interest.

341.550 *Pooled account.* (1) The Division shall maintain within the fund a pooled account, mingled and undivided, to which shall be credited:

(a) All worker contributions;

(b) The emergency amounts diverted from the subject employers' contributions as provided in KRS 341.560;

(c) All realized earnings and gains on investments of the fund;

(d) Except as provided in KRS 341.540, any balance remaining in the reserve account of any previously subject employer after such employer has ceased to be subject to this chapter;

(e) Any payments into or amounts in the fund not allocable to any employer's reserve account; and

(f) Any payments collected under subsection (3) of this section.

(2) Except as provided in KRS 341.420, subsection (3) of KRS 341.530, and subsection (3) of this section, benefits shall be charged against the pooled account only if and to the extent that a subject employer's reserve account does not, as of the computation date (as defined in subsection (4) of KRS 341.270), equal the maximum amount of benefits then due and chargeable against such account as provided in this chapter. To the extent that money in the pooled account is sufficient therefor, the Commissioner shall pay any benefits otherwise due but not payable because of the complete exhaustion as of such computation date of the subject employer's reserve account.

(3) Any benefits paid through error shall be charged against the pooled account. The repayment of benefits paid erroneously as provided in subsection (1) of KRS 341.415 shall be credited to the pooled account. The pooled account shall be credited with any sums deducted from future benefits as provided in KRS 341.415.

341.560 *Emergency diversion of contributions to pooled account.* If, on January 1 or July 1 of any year, the amount in the pooled account is less than three times the highest total

amount of benefits paid from such account during any one of the three preceding calendar years, the Commission may declare, with respect to the six months beginning on such January 1 or July 1, an emergency period. During that period, one percent of the wages upon which the subject employers' contributions are paid shall be paid into the pooled account from such contributions. During such period the force and effect of any part of this chapter shall be suspended if it provides that any subject employer may pay contributions at a rate of less than one percent, and every subject employer shall pay contributions to the pooled account at the rate of at least one percent of the payroll or payrolls by which contributions are to be measured in accordance with this chapter.

341.570 *Representation in court; expenses of suit.* (1) In any civil action to enforce the provisions of this chapter or in which the Commission or the Division is an interested party, the Commission or the Division may be represented by any qualified attorney who is designated by the Commissioner for that purpose. The expenses and compensation of such special attorney and any experts employed in connection with such proceedings shall be considered a proper cost of the administration of this chapter.

(2) All criminal actions for violation of any provision of this chapter, or of any rules or regulations issued under it, shall be prosecuted by the Attorney-General of this state, or, at his request and under his direction, by the county attorney of any county in which the employing unit has a place of business or the violator resides.

341.580 *Limitations on payment of benefits.* Benefits shall be considered due and payable under this chapter only to the extent provided in this chapter and to the extent that money is available therefor to the credit of the Unemployment Insurance Fund, and neither this state, the Commissioner, the Department nor the Division shall be liable for any amount in excess of such sums.

341.590 *Additional contributions if Federal Government fails to provide funds for administration.* If the Federal Govern-

ment does not, for any fiscal year, make the certification for payment to this state of funds for the assistance of this state in the administration of this chapter as provided by Title III of the Federal Social Security Act (49 Stat. 620) or any amendment thereto, every employer subject to this chapter shall, for that fiscal year, pay to the Unemployment Compensation Administration Fund, to be used for the administration of this chapter, contributions equal to three-tenths of one percent of such subject employer's wages payable for covered employment for the same period. These contributions shall be collected the same as contributions for the payment of benefits.

341.600. *Continuation; no vested right created.* (1) The Commissioner, the Department, the Commission and the Division, its personnel, organization and funds shall constitute a continuation of the analogous provisions of the previous unemployment compensation laws of this state and the provisions of this chapter shall be considered as substituted in a continuing way for the provisions of such laws. Nothing in this chapter shall waive any payments required of any employer under any such laws.

(2) No vested right shall exist against amendment or repeal of any part of this chapter.

341.610 *Pledge to replace funds.* Kentucky hereby obligates itself for the replacement, within a reasonable time, of any moneys received pursuant to Title III of the Social Security Act which, because of any action or contingency, are lost or expended for purposes other than, or in amounts in excess of, those found necessary by the appropriate Federal agency for the proper administration of this chapter.

341.620 *Expenditure of Federal moneys.* All moneys received pursuant to Title III of the Social Security Act, as amended, shall be expended solely for the purposes and in the amounts found necessary by the Federal Bureau of Employment Security for the proper and efficient administration of this chapter.

PENALTIES

341.990 *Penalties.* (1) Any employe of any state department who violates any of the provisions of KRS 341.110 to 341.230 shall be fined not less than twenty dollars nor more than two hundred dollars or imprisoned for not more than ninety days, or both.

(2) Any person subpoenaed to appear and testify or produce evidence in an inquiry, investigation or hearing conducted under this chapter who fails to obey the subpoena shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than thirty days, or both.

(3) Any subject employer, or officer or agent of a subject employer, who violates subsection (1) of KRS 341.470 shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than six months, or both, for each offense.

(4) Any person who violates subsection (2) of KRS 341.470 shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not more than six months, or both, for each offense.

(5) Any person who knowingly makes a false statement or representation or knowingly fails to disclose a material fact to obtain or increase any benefit for himself or any person shall be fined not less than ten dollars nor more than fifty dollars or imprisoned for not more than thirty days, or both. Each false statement, representation or failure shall constitute a separate offense.

(6) Any person who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any worker entitled thereto, or to avoid becoming or remaining subject to this chapter, or to avoid or reduce any payment required of an employing unit under this chapter or who wilfully fails or refuses to furnish any reports required, or to produce or permit the inspection or copying of records required in this chapter shall be fined not less than ten dollars nor more than fifty dollars or imprisoned for not more than thirty days, or both. Each such false state-

ment, representation or failure and each day of such failure or refusal shall constitute a separate offense.

(7) Any person who wilfully violates any provision of this chapter or any rule or regulation under it, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which no specific penalty is prescribed in this chapter or in any other applicable statute, shall be fined not less than ten dollars nor more than fifty dollars. Each day such violation continues shall constitute a separate offense.

(8) Any prosecution for the violation of any provision of KRS Chapter 341, the penalty for which is prescribed under this section, shall be commenced within two years of the commission of the offense.

Section 2. Paragraph B of Section 18 headed DEPARTMENT OF ECONOMIC SECURITY OF PART FOUR of House Bill No. 14 of the 1950 General Assembly is repealed.

Section 3. DECLARATION OF AN EMERGENCY.

Whereas, the effective administration of KRS Chapter 341 requires that the foregoing changes be made effective prior to April 1, 1950 an emergency is hereby declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	George F. Harris	Fred H. Morgan
Edgar Arnett	Paul E. Hayes	C. S. Nabb
Sidney Baer	John A. Head	James H. Polsgrove
Walter J. Bailey	William K. Henry	Hobart Rayburn
Clarence J. Barnum	E. R. Hilton	W. R. Reasor
C. E. Baumgardner	Ray Holbrook	Carl J. Ruh
Fred Beshear	Woodrow W. Hollan	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	Paul E. Shannon
J. D. Buckman, Jr.	Robert N. Hubbard	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Paul S. Jonas	Jesse H. Shelton
Charles W. Burnley	Barkley Jones	Forest Smith
Alex Calvert	William Jones	J. Claude Stacy
Paul Combs	Mrs. J. T. Linton	Raymond D. Stigall
R. Josh Cosby	A. L. (Chick) Love	Mrs. Thelma Stovall
Owen Deering	Harry K. Lowman	W. R. Stringer
G. I. Drury	True Mackey	M. G. Thompson
Thomas R. Duncan	Damon Majors	Rev. T. H. Tinsley
Mitchell S. Fannin	G. Lee McClain	Ralph N. Walter
Henry C. Hale	Archie R. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	G. F. Williamson

—63

Those who voted in the negative were—

Leonard T. Bean	Maurice G. Howard	Dr. C. E. Palmore
John D. Beatty	Silas Jacobs	Leonard W. Preston
R. O. Blevins	James W. Lambert	Roy Searcy
Thomas L. Britton	Homer E. Losey	James S. Shaw
Stanley Carter	John Martin	Roy Steers
R. C. Estepp, Sr.	Jack McPherron	Egbert V. Taylor
C. A. Hammons	Alton Mitchell	Lyle H. Webb
Durham W. Howard	Emmett G. Moore	

—23

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 252. AN ACT to repeal Kentucky Revised Statutes Section 186.445 now bearing a title reading "License for child to operate motor vehicle of not more than five horse power."

H. B. No. 452. AN ACT relating to annual reports by insurance companies other than life; amending Sections 136.340 and 136.350 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bills be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 179. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing its powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

With Committee amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Definitions. As in this Act:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place devoted primarily to providing for not less than 24 hours in any week of obstetrical or other medical or nursing care for two or more non-related individuals. The term "Hospital" includes public health centers, nursing and convalescent homes and all institutions for the care of the sick.

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association and the legal successor thereof.

(c) "Government Unit" means the State, or any county, municipality, or department, division, board or agency of any of the foregoing.

(d) "Licensing Agency" means the State Board of Health.

Sec. 2. Purpose

The purpose of this Act is to provide for the development, establishment and enforcement of minimum standards for the care and treatment of individuals, and for the construction,

maintenance and operation of hospitals which, in the light of advancing knowledge, will promote the safe and adequate treatment of such individuals in hospitals.

Sec. 3. Application for license.

An application for a license shall be made to the Licensing Agency upon forms provided by it and shall contain such information as the Licensing Agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application shall be accompanied by a license fee of $5.00.

Sec. 4. Issuance and renewal of license.

Upon receipt of an application for license and the license fee the Licensing Agency shall issue a license, if the applicant and the hospital facilities meet the requirements established under this law. Any hospital which is in operation at the time this Act becomes effective shall be licensed upon application and if it does not comply with the standards shall be given a period of two years in which to comply with the standards before action for the revocation or suspension of license may be instituted. Each license, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually for a fee of $2.00 upon filing by the licensee and approval of the Licensing Agency, of an annual report upon such uniform dates and containing such information in such form as the Licensing Agency may reasonably require. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferrable or assignable without the written approval of the Licensing Agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 5. Denial, suspension or revocation of license; hearings and review.

The Licensing Agency after notice and opportunity for hearing to the applicant or licensee is authorized to deny,

suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law, except as provided in Section 4.

Such notices shall be effected by registered mail, or by personal service, setting forth the particular reasons for the proposed action and fixing a date of not less than 30 days from the date of such mailing or service, at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of any such hearing, or upon default of the applicant or licensee, the Licensing Agency shall make a determination specifying its findings of fact and .conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending or denying the license or application shall become final thirty days after it is so mailed or served, unless the applicant or licensee, within such thirty day period appeals the decision to the court, pursuant to Section 10 hereof.

The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Licensing Agency with the advice and approval of the Hospital Council.

Sec. 6. Minimum Standards.

(a) Submission of Plans for New Construction or Alterations.

Before construction is begun involving an expenditure of more than $150,000.00 for the construction of new buildings or additions or alterations to existing buildings or any change in facilities, for a hospital, the licensee shall submit plans to the Licensing Agency for approval.

No system of water supply, plumbing, sewage, garbage or refuse disposal for a hospital shall be installed nor any such existing system be materially altered or extended until complete plans and specifications for the installation, alteration or

extension, together with such information as may be required, have been submitted and approved by the State Department of Health in accordance with the sanitary codes in existing Kentucky statutes. Hospitals shall comply with all local zoning regulations. They shall be so located as to be reasonably free from noises, smoke, foul odors or other disturbing or injurious nuisances.

(b) Location and Communication.

Hospitals shall be served by a good road which is kept passable at all times of the year. There must be one or more telephones or other communication system as may be needed in order to summon help promptly in case of fire or other emergencies.

(c) Physical Plant.

1. Construction. The construction of the building shall be such as to provide for the safety and protection of the patients and personnel. The building shall be kept in good repair as related to the comfort and safety of its occupants. The building shall comply with the rules, regulations, and standards of safety in accordance with existing Kentucky statutes governing fire and safety precautions. The building shall be so constructed and screened as to prevent the entrance of rats, flies, mosquitoes and other rodents and insects capable of transmitting disease. The walls, floors and ceilings shall be of such a character to permit frequent washing, cleaning or painting and the maintenance of sanitary conditions. The building shall comply with all existing local building codes.

2. Heating. The hospital shall be provided with a heating system, capable of maintaining a minimum temperature of 68° F. at all times in the patient areas.

3. Lighting. Each patient's room shall have sufficient lighting for reading and all other uses as needed. All entrances, hallways, stairways, inclines, ramps, cellars, attics, store rooms, kitchens, laundries and service units must have sufficient lighting to prevent accidents and to promote efficiency of service.

Emergency lighting facilities must be provided and distributed so as to be readily available to personnel on duty. Flashlights or battery operated lamps shall be in readiness at all times for use in the delivery and operating rooms. At no time may open flame type of lights be used in these rooms.

4. Ventilation. The building shall be adequately ventilated at all times. Special attention shall be given to the ventilation of patient's quarters so as to supply fresh air and to prevent accumulation of objectionable odors. Toilets without outside window ventilation may not be used unless there is an adequate system of forced ventilation.

5. Elevators and Stairways. If elevators are provided they shall be maintained, checked and kept in good condition at all times. Stairways shall be provided with handrails. Stairways should be of a width and design which will easily accommodate removal of a patient by stretcher and should be enclosed with a vertical cut-off at each floor level.

(d) Sanitation.

(1) Housekeeping. Housekeeping facilities and services are required to be such that comfortable and sanitary living conditions for patients and employes are maintained constantly. Accumulated waste material must be removed daily. There must be frequent cleaning of floors, walls, woodwork, and windows. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities must be maintained in a clean and sanitary condition at all times.

2. Water Supply. The water supply must be approved by the State Department of Health of Kentucky. There shall be an ample supply of hot water available at all times for general use.

3. Sewage Disposal. Sewers shall be discharged into a municipal sewerage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewerage system which complies with the standards approved by the sanitary codes of the State Depart-

ment of Health of Kentucky and city regulations.

4. Plumbing. All plumbing, plumbing fixtures, sterilizers and other similar equipment shall be so constructed, installed and maintained as to prevent cross connections or other sanitary hazards, as required by the standards approved by the sanitary codes of the State Department of Health of Kentucky and applicable city regulations. A sanitary bath, toilet and lavatory must be provided on each floor where patients are cared for. Stationary handrails shall be provided for use of infirm patients in getting in and out of the tub.

5. Garbage Disposal. Garbage must be kept in watertight metal containers with tight fitting covers. They must be emptied at frequent intervals and should be thoroughly scoured and aired before being used again. Infectious waste materials shall be burned on the premises. Other garbage may also be burned if no satisfactory garbage collection service is available. If burning is method used for disposal of garbage an approved incinerator must be available for that purpose. Wire baskets are not acceptable as they constitute a fire hazard.

6. Laundry. The Institution shall make provision for the proper cleaning of linen and other washable goods with special provision for handling contaminated linen. Hospitals maintaining and operating laundries shall provide ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(e) Food handling.

1. Preparing and Serving Food. The patients must be served a sufficient amount of wholesome and nourishing food which must be clean, properly prepared, palatable, easily digestible and contain all essential constituents of a well balanced diet. The equipment shall include such facilities as are needed to prepare hot, well balanced meals in sufficient quantity to serve as many patients as the institution accommodates. The method of serving food from kitchen to patient should be arranged to make food attractive and keep it hot.

2. Refrigeration and Storerooms. Refrigerators must be adequate to keep all perishable foods at a temperature below 50° F. All refrigerators shall be provided with thermometers. Storerooms should be so arranged that access to food supplies is convenient. The supplies must be protected against unnecessary handling, the invasion of rodents and insects, the seepage of dust, water leakage or other sources of contamination.

3. Cleaning of Food Containers. All food containers such as drinking glasses, drinking cups, plates, saucers, knives, forks, spoons, dippers and other containers and utensils used in the dispensing, preparation or storage of food and drink must, following the last preceding use, be washed until visibly clean in warm water containing an ample quantity of detergent. After cleaning, all food containers must be rinsed with clean running water or immersed in a suitable receptacle containing clear water. All food containers, after cleaning and rinsing, must be disinfected by one of the following procedures:

> The food container shall be immersed in water at a temperature of not less than 180° F. for not less than one minute; or the food container shall be immersed in a solution containing not less than 100 parts per million available chlorine for one minute, or if immediately withdrawn from the solution, allowed to drain on a wire or corrugated metal rack for at least one minute; or disinfected by some other approved method. After the food containers are cleaned, rinsed, and disinfected, they must be stored in such a manner as not to become contaminated before being used. The results obtained with dishwashing machines shall be equal to those obtained by the method outlined above.

4. Ice. Ice that is used in direct contact with food and drink shall be obtained from sanitary sources and handled in a sanitary manner.

5. Milk Supply. The milk should be pasteurized. If pasteurized milk is available it shall be used. If not, the sources of supply and distribution must be approved by the State Department of Health of Kentucky.

6. Handwashing Facilities. Handwashing facilities shall be provided in a convenient location for kitchen workers. They shall be equipped with an adequate supply of soap, disposable towels and hot and cold running water. The use of the common towel is prohibited.

7. Other Requirements. The hospital shall comply with the existing laws, rules and regulations governing the handling of food and food products in the State of Kentucky, except as outlined above.

(f) Accommodations for Patients.

1. Room. Each patient's room shall communicate directly with a corridor without passage through another patient area. Rooms extending below ground level shall not be used for patients unless they are dry, well ventilated and otherwise suitable for occupancy.

2. Floor Space. Beds must be spaced so as to provide adequate room for nursing procedures and to prevent the transmission of infection. Beds must be placed at least three feet apart.

3. Furnishings. Bed—A bed must be provided for each patient.

Bedding—A sufficient supply of clean bedding and bed linen shall be kept on hand for use at all times.

In addition to the bed, the patient unit should be provided with at least one chair and either a dresser or a compartment bedside table to accommodate the patient's personal possessions, such as toilet articles. After discharge of each patient the complete unit must be thoroughly cleaned, including all articles of equipment that have been used for the special care of that patient, and such articles as bedpan and thermometer must be disinfected.

4. Signal System. A system must be maintained for bed patients to use in calling nurses and attendants.

(g) Facilities and Equipment for Care.

1. Space and Equipment for Special Services. There shall be adequate space and facilities for the proper cleaning and

storage of nursing supplies and equipment. This space should be removed from patient contacts and kept stocked and in order by a definitely arranged plan so that contents are easily available for use by the nursing staff. Suitable provision must be made for the preparation of medications and treatments.

(a) Utility Rooms. Utility rooms shall be adequately ventilated. They shall be conveniently located for efficient conduct of work. One or more bedpan hoppers shall be readily accessible to each patient area. The bathtub, lavatory or laundry tray shall not be used for cleaning bedpans.

(b) Operating and Delivery Rooms. If there are operating and delivery rooms, they shall be provided with adequate equipment to meet the requirements of the hospital both in quality and in quantity.

(c) Drugs. An adequate supply of essential drugs, biologicals and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in safe manner and kept properly labeled and accessible. Narcotics and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. The cabinet for drugs must be well illuminated. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

(d) X-Ray Facilities. If X-ray facilities are provided, there shall be ample space for the X-Ray equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and hospital personnel against undue radiation shall be taken.

(e) Laboratories. If a laboratory is provided there shall be ample space, equipment and supplies to meet the requirements of the hospital.

(f) Morgue. A proper, well ventilated morgue with refrigerated compartments shall be provided if unembalmed bodies are held.

(g) Sterilizing Room. There shall be adequate facilities for sterilization of supplies and equipment to be used in the hospital.

2. Equipment and Supplies for Bedside Care.

(a) Linen. The following articles of linen must be provided: Large sheets, draw sheets, pillow slips, bedspreads, bath towels, wash cloths, bed pan covers, hot water bottle covers, ice cap covers, face towels. Individual towels, wash cloths and bath blankets must be provided for each patient. Bedpan covers shall not be used interchangeably.

(b) Utensils. There shall be a sufficient number of wash basins, urinals, mouthwash cups and curved basins, covered water pitchers and drinking glasses, for the use of each patient. If the above equipment is sterilized after each using it need not be kept individual.

(c) Thermometers. There shall be a sufficient number of thermometers for either individual use or to permit adequate disinfection before using.

(d) Hot water bags. Hot water bags must be covered before placing in beds or on a patient. The greatest care must be exercised in their use to see that water is not too hot and bags are not leaking. (The water should not be over 120° F.) A bath thermometer shall be used to test water.

(e) Other Equipment and Supplies. There shall be an adequate supply of all equipment and supplies as required according to the needs of the hospital and the services it renders.

3. Sterilization of Supplies. There shall be provision for the proper sterilization of dressings, utensils, instruments and water. The hospital shall adopt a recognized method of checking sterilizer performance, such as the use of a fusing control in the largest package of each load or the bacteriological examination of sterilized dressings at frequent intervals. A cabinet, cupboard or other suitable enclosed space must be provided for keeping sterile equipment and supplies in a clean, convenient and orderly

manner. Special precautions must be taken so that sterile supplies may not be mixed with unsterile supplies.

4. Handwashing Facilities. There shall be adequate handwashing facilities throughout the institution. Especially must they be provided for operating, delivery and labor rooms; in examining rooms and treatment rooms; in main and diet kitchens; in utility and other service rooms; in toilet rooms; in rooms used for isolation of patients; and in the nursery. Lavatories in wards and patients' rooms must be installed, whenever possible. A sufficient supply of linen or paper towels shall be constantly available. Use of the common towel is prohibited.

(h) Personnel and Policies. All patients admitted to a hospital governed by this Act must be under the care of a person duly licensed to practice one of the healing arts recognized or permitted by the laws of the state of Kentucky. Sufficient personnel shall be maintained to insure the proper care of the patients. Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation or control of the remedial care or treatment of the residents or patients in any hospital conducted for those who rely upon treatment by spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination. Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed in any way to have the effect of denying a license to any hospital solely by reason of the type or system of practice of any of the healing arts which are recognized or permitted under the laws of the State of Kentucky.

(i) Records and Reports. Adequate and complete records shall be written for all patients admitted to the hospital. These records shall be filed in an orderly and accessible manner in the hospital. All orders of physicians should be written in ink or indelible pencil, and signed by a physician. Such orders shall be preserved on the patient's chart or in the established record of such orders.

(j) Patient Care. Every reasonable effort shall be made to provide the best possible care and treatment for the patients. Every reasonable effort shall be made to provide for their comfort and care as well as the actual treatment that is given.

Accepted ethical principles of care and treatment shall be followed, and the entire hospital shall be operated in an acceptable and ethical manner in the public interest. The reporting of all births, deaths, reportable diseases and other vital statistics required by the State Department of Health under existing laws, rules and regulations shall be complied with.

(k) Communicable Diseases. All of the existing laws, rules and regulations of the State Department of Health shall be complied with as related to the control of the spread of communicable diseases. If patients are accepted with communicable diseases, suitable isolation and quarantine facilities shall be provided. Every effort shall be made to prevent the spread of disease in the hospital and to prevent the spread of disease from patients in the hospital to persons outside the hospital. Every reasonable safeguard shall be provided for the maintaining and protection of the health of the personnel of the hospital.

Sec. 7. Hospital Council.

The Governor shall appoint a Hospital Council consisting of ten members as herein provided:

(a) Five physicians who are licensed to practice medicine in Kentucky, one of whom shall be the State Health Commissioner by virtue of his office who shall serve as chairman; one of whom shall be active in hospital administration; and three of whom are in active practice in Kentucky. At least one of the latter shall be from a city other than of the first, second or third class, and no two, excepting the State Commissioner of Health, shall reside in the same county of the Commonwealth of Kentucky.

(b) Three persons of recognized ability in the field of hospital administration who are actively associated with hospitals in Kentucky, and

(c) Two persons representing the public, each of whom shall be a member of a governing body of a hospital in Kentucky provided:

One of the above five members, under classes (b) and (c), shall reside in a city other than of the first, second, or third class, and no two of the five members shall reside in the same county of the Commonwealth of Kentucky.

The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Medical Association for those in class (a) and by the Kentucky Hospital Association for those in classes (b) and (c). Members of the Hospital Council, except its chairman, shall be appointed for terms of three years except that the initial council shall determine by lot which three members, one of class (a), one of class (b), and one of class (c), shall serve for one year; which three members, one of class (a), one of class (b), and one of class (c) shall serve for two years; and which three members, two of class (a) and one of class (b) shall serve for three years. Members whose terms expire shall hold office until the appointment of their successors. In the event of a vacancy occurring before the expiration of a member's term the appointment shall be for the unexpired term. The Council shall not meet less than once each year and shall meet additionally upon the call of the chairman or at the request of any four members. Members of the Hospital Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expenses incurred in performance of their duties.

Sec. 8. Functions of the Licensing Agency.

It shall be the duty of the Licensing Agency with the aid and approval of the Hospital Council to make rules and regulations governing the administration and enforcement of this Act and to employ such inspectors, clerks, and other personnel as is necessary to the proper administration of the Act. The Licensing Agency shall, through its authorized agent or agents, have full and free access to the required records, grounds and buildings of every institution licensed or who has applied for license under this Act.

Sec. 9. Information Confidential.

Information received by the Licensing Agency through its filed reports, inspection, or as otherwise authorized under this law shall not be disclosed publicly in such a manner as to identify individuals or hospitals except in a proceeding involving the question of licensure.

Sec. 10. Judicial Review.

Any applicant or licensee, or the State acting through the Attorney General, aggrieved by a determination of the Licensing Agency after a hearing, may, within 30 days after the mailing or serving of a notice of the decision as provided in Section 5, file a notice of appeal in the Franklin Circuit Court. Pending final disposition of the matter the status quo of the applicant or licensee shall be preserved except as the court otherwise orders in the public interest.

Sec. 11. No person or governmental unit shall operate or conduct a hospital without having a license under this Act.

Sec. 12. Penalties.

Any person or governmental unit establishing, conducting, managing, or operating any hospital without a license under this law shall be guilty of a misdemeanor and upon conviction shall be fined not less than $10.00 nor more than $20.00. Each day of violation of any of the provisions of this Act shall be considered a separate offense.

Sec. 13. Injunction.

Notwithstanding the existence or pursuit of any other remedy, the Licensing Agency may in the manner provided by law, upon the advice of the Attorney General who shall represent the Licensing Agency in the proceedings, maintain an action in the name of the State for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license under this law.

Sec. 14. Appropriation.

There is hereby appropriated to the State Board of Health, out of the General Expenditure Fund in the State Treasury, the sum of $15,000 each year for each of the fiscal years 1950-51 and 1951-52.

Sec. 15. Effective Date.

This Act shall become effective on July 1, 1950.

Said Committee amendment to said bill is as follows, viz:

Amend printed copy of S. B. No. 179, on page 14, section six, line 280 after the word "denomination," by adding the following:

Be it further provided that none of the provisions of this act or of any rule or regulation adopted pursuant thereto shall apply to a Chiropractic Hospital or Clinic owned or operated by a Chiropractor or Chiropractors in this state.

Mr. Hanratty moved the Previous Question on said amendment.

Whereupon, the Speaker announced, "Shall the Main Question on said amendment be now put?"

Which was decided in the affirmative.

Mr. Hanratty moved that the House do now adopt said Committee amendment to said bill.

The yeas and nays being required thereon by Mr. Burnley and Mr. Durham W. Howard were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Harry K. Lowman
Edgar Arnett	Harold G. Helm	True Mackey
Leonard T. Bean	William K. Henry	Damon Majors
Fred Beshear	E. R. Hilton	John Martin
Charles J. Bronston	Ray Holbrook	G. Lee McClain
Charles W. Burnley	Maurice G. Howard	Jack McPherron
Stanley Carter	Robert N. Hubbard	Alton Mitchell
R. Josh Cosby	Paul S. Jonas	Archie R. Moore
B. H. Crider	Barkley Jones	Emmett G. Moore
Owen Deering	William Jones	Walter R. Moorman
G. I. Drury	James W. Lambert	Fred H. Morgan
Thomas R. Duncan	Jesse H. Lawrence	Dr. C. E. Palmore
R. C. Estepp, Sr.	Mrs. J. T. Linton	Leonard W. Preston
C. A. Hammons	Homer E. Losey	Carl J. Ruh
George F. Harris	A. L. (Chick) Love	LeRoy Saylor

Roy Searcy	Raymond D. Stigall	Lyle H. Webb
Paul E. Shannon	Ralph N. Walter	Morris Weintraub
Gus Sheehan, Jr.	Fred M. Warns	G. F. Williamson
Forest Smith	Harry Lee Waterfield	Charles W. Wirsch
Roy Steers		

—58

Those who voted in the negative were—

Bill Adams	Mitchell S. Fannin	James H. Polsgrove
Sidney Baer	Henry C. Hale	Hobart Rayburn
Clarence J. Barnum	James P. Hanratty	Amos Runyan
C. E. Baumgardner	John A. Head	Dr. Roy Sanders
John D. Beatty	Woodrow W. Hollan	James S. Shaw
L. E. Bradley	W. M. Horn	Jesse H. Shelton
Edward O. Bridgers	Richard R. Houpt	J. Claude Stacy
Thomas L. Britton	Durham W. Howard	Mrs. Thelma Stovall
Mrs. M. E. Burnett	Silas Jacobs	W. R. Stringer
Alex Calvert	C. S. Nabb	M. G. Thompson

—30

Thereupon, said motion was agreed to, and

Said Committee amendment to said bill was agreed to.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	C. E. Baumgardner	Charles J. Bronston
Sidney Baer	Leonard T. Bean	J. D. Buckman, Jr.
Walter J. Bailey	Fred Beshear	Mrs. M. E. Burnett
Clarence J. Barnum	Edward O. Bridgers	Charles W. Burnley

Alex Calvert	Silas Jacobs	Dr. Roy Sanders
Stanley Carter	Paul S. Jonas	LeRoy Saylor
Paul Combs	Barkley Jones	Roy Searcy
R. Josh Cosby	William Jones	Paul E. Shannon
B. H. Crider	Jesse H. Lawrence	James S. Shaw
Owen Deering	Mrs. J. T. Linton	Gus Sheehan, Jr.
G. I. Drury	Homer E. Losey	Jesse H. Shelton
Thomas R. Duncan	A. L. (Chick) Love	Forest Smith
R. C. Estepp, Sr.	Harry K. Lowman	J. Claude Stacy
C. A. Hammons	Damon Majors	Roy Steers
James P. Hanratty	Alton Mitchell	Raymond D. Stigall
George F. Harris	Archie R. Moore	Mrs. Thelma Stovall
Paul E. Hayes	Walter R. Moorman	W. R. Stringer
John A. Head	Fred H. Morgan	Egbert V. Taylor
William K. Henry	C. S. Nabb	M. G. Thompson
E. R. Hilton	Dr. C. E. Palmore	Rev. T. H. Tinsley
Ray Holbrook	James H. Polsgrove	Ralph N. Walter
Woodrow W. Hollan	Leonard W. Preston	Fred M. Warns
W. M. Horn	Hobart Rayburn	Harry Lee Waterfield
Richard R. Houpt	W. R. Reasor	Lyle H. Webb
Durham W. Howard	Carl J. Ruh	Morris Weintraub
Maurice G. Howard	Amos Runyan	Charles W. Wirsch
Robert N. Hubbard		

—79

Those who voted in the negative were—

Edgar Arnett	James W. Lambert	Jack McPherron
Henry C. Hale	John Martin	G. F. Williamson

—6

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now recess until 1:30 o'clock, p.m.

Said motion was agreed to.

And then the House recessed.

The hour of 1:30 o'clock having arrived, the Speaker resumed the Chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 281. AN ACT relating to agreements with other States and Government, and empowering the Governor to conduct the interstate relations of the Commonwealth.

Said bill is as follows, viz:

WHEREAS, the Commonwealth of Kentucky, as a sovereign State, is frequently called upon to enter into joint projects and experiments with neighboring states, and other states and governments, for the mutual advantage of the Commonwealth and such other states and governments, and

WHEREAS, regional and other associations of states have become increasingly important to the proper functioning of state government, and

WHEREAS, the Governor of the Commonwealth, as Chief Magistrate, is recognized as having certain inherent powers under the Constitution in the conduct of relations with other states,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Governor is charged with the conduct of the relations of the Commonwealth with other states and governments. He is empowered to approve agreements between departments or agencies of the Commonwealth, and departments or agencies of other states and governments, for the accomplishment of purposes which are authorized by law to be accomplished in this state by the department or agency entering into the agreement.

No agreement authorized by this section shall involve the expenditure of more than $10,000 in any one year by any one department or agency, except in the case of repairs to interstate bridges. Any such expenditure shall be made from funds already budgeted to the department or agency. Nothing herein shall be construed to limit rights and powers conferred on any department or agency by existing statutes, or by statutes enacted during the 1950 session of the General Assembly.

WHEREAS, the authority of the Commonwealth of Kentucky to enter into a certain agreement now pending has been questioned, and it being necessary to execute said agreement immediately,

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	George F. Harris	W. R. Reasor
Edgar Arnett	Paul E. Hayes	Carl J. Ruh
Sidney Baer	John A. Head	Amos Runyan
Walter J. Bailey	E. R. Hilton	Dr. Roy Sanders
Clarence J. Barnum	Ray Holbrook	Roy Searcy
C. E. Baumgardner	Woodrow W. Hollan	Paul E. Shannon
Fred Beshear	Chester J. Holsclaw	James S. Shaw
L. E. Bradley	Robert N. Hubbard	Jesse H. Shelton
Charles J. Bronston	Paul S. Jonas	Forest Smith
J. D. Buckman, Jr.	Barkley Jones	J. Claude Stacy
Mrs. M. E. Burnett	Mrs. J. T. Linton	Raymond D. Stigall
Charles W. Burnley	A. L. (Chick) Love	Mrs. Thelma Stovall
Alex Calvert	True Mackey	W. R. Stringer
Paul Combs	Jack McPherron	M. G. Thompson
R. Josh Cosby	Archie R. Moore	Ralph N. Walter
G. I. Drury	Fred H. Morgan	Fred M. Warns
Thomas R. Duncan	C. S. Nabb	Harry Lee Waterfield
R. C. Estepp, Sr.	Dr. C. E. Palmore	Morris Weintraub
Mitchell S. Fannin	James H. Polsgrove	G. F. Williamson
James P. Hanratty	Hobart Rayburn	Charles W. Wirsch

—60

There voted in the negative—

John Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 53. A JOINT RESOLUTION giving legislative approval to that certain compact entered into by eleven Southern States, as amended, relative to the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary and other fields.

Said resolution is as follows, viz:

WHEREAS, on the 8th day of February, 1948, the States of Florida, Maryland, Georgia, Louisiana, Alabama, Mississippi, Tennessee, Arkansas, Virginia, North Carolina, South Carolina, Texas, Oklahoma, Kentucky, and West Virginia developed a written Compact relative to the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary, and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region, which Compact has since been approved by the legislatures of eleven of these States; and

WHEREAS, the said Compact has been amended in certain respects, a copy of which Compact as amended is as follows:

THE REGIONAL COMPACT
(As Amended)

WHEREAS, the States who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several States who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said States who are parties hereto; and

WHEREAS, The said States desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective States who are parties hereto (hereinafter referred to as "States"), the said several States do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting States which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent States and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective States residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The States do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which Board shall consist of the Governor of each State, *ex officio,* and three additional citizens of each State to be appointed by the Governor thereof, at least one of whom shall be selected from the field of education. The Governor shall continue as a member of the Board during his tenure of office as Governor of the State, but the members of the Board appointed by the Governor shall hold office for a period of four years except that in the original appointments one Board member so appointed by the Governor shall be designated at the time of his appointment to serve an initial term of two years, one Board member to serve an initial term of three years, and the remaining Board member to serve the full term of four years, but thereafter the successor of each appointed Board member shall serve the full term of four years. Vacancies on the Board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the Governor for the unexpired portion of the term. The officers of the Board shall be a Chairman, a Vice Chairman, a Secretary, a Treasurer, and such additional officers as may be created by the Board from time to time. The Board shall meet annually and officers shall be elected to hold office until the next annual meeting. The Board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create

and appoint an Executive Committee and a Finance Committee with such powers and authority as the Board may delegate to them from time to time. The Board may, within its discretion, elect as its Chairman a person who is not a member of the Board, provided such person resides within a signatory State, and upon such election such person shall become a member of the Board with all the rights and privileges of such membership.

It shall be the duty of the Board to submit plans and recommendations to the States from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the States, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the States and to all properties and facilities used in connection therewith shall be vested in said Board as the agency of and for the use and benefit of the said States and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the States authorizing the creation, establishment and operation of such education institutions.

In addition to the power and authority heretofore granted, the Board shall have the power to enter into such agreements or arrangements with any of the States and with educational institutions or agencies, as may be required in the judgment of the Board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective States residing within the region, and such additional and general power and authority as may be vested in the Board from time to time by legislative enactment of the said States.

Any two or more States who are parties of this Compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an

area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such States and to be controlled exclusively by the members of the Board representing such States provided such agreement is submitted to and approved by the Board prior to the establishment of such institutions.

Each State agrees that, when authorized by the legislature, it will from time to time make available and pay over to said Board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the States under the terms of this compact, the contribution of each State at all times to be in the proportion that its population bears to the total combined population of the States who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any State unless and until it shall be approved by proper legislative action of as many as six or more of the States whose Governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more States shall have given legislative approval to this compact within said eighteen months period, it shall be and become binding upon such six or more States 60 days after the date of legislative approval by the Sixth State and the Governors of such six or more States shall forthwith name the members of the Board from their States as hereinabove set out, and the Board shall then meet on call of the Governor of any State approving this compact, at which time the Board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other States whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any State whose constitution may require amendment in order to permit legislative approval of the Compact, such State or States shall become parties hereto upon approval of this Compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the States and provided further that any State may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the Board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing State from its obligations hereunder accruing up to the effective date of such withdrawal. Any State so withdrawing shall *ipso facto* cease to have any claim to or ownership of any of the property held or vested in the Board or to any of the funds of the Board held under the terms of this compact.

If any State shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said State as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting State, its members on the Board and its citizens shall *ipso facto* be and become suspended from and after the date of such default. Unless such default be remedied and made good within a period of one year immediately following the date of such default this compact may be terminated with respect to such defaulting State by an affirmative vote of three-fourths of the members of the Board (exclusive of the members representing the State in default), from and after which time such State shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the Board or to any of the funds of the Board held under the terms of this compact, but such termination shall in no manner release such defaulting State from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining States thereunder.

IN WITNESS WHEREOF this Compact has been approved and signed by Governors of the several States, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

STATE OF FLORIDA
BY Millard F. Caldwell
Governor

STATE OF GEORGIA
BY M. E. Thompson
Governor
STATE OF MARYLAND
BY Wm. Preston Lane, Jr.
Governor
STATE OF LOUISIANA
BY J. H. Davis
Governor
STATE OF ALABAMA
BY James E. Folsom
Governor
STATE OF TENNESSEE
BY Jim McCord
Governor
COMMONWEALTH OF VA.
BY Wm. M. Tuck
Governor
STATE OF SOUTH CAROLINA,
BY J. Strom Thurmond
Governor
STATE OF OKLAHOMA
BY Roy J. Turner
Governor
STATE OF KENTUCKY
BY _____
Governor
STATE OF MISSISSIPPI
BY F. L. Wright
Governor
STATE OF ARKANSAS
BY Ben Laney
Governor
STATE OF NORTH CAROLINA
BY R. Gregg Cherry
Governor
STATE OF TEXAS
BY Beauford H. Jester
Governor

STATE OF WEST VIRGINIA
BY Clarence W. Meadows
Governor

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the said Compact be and the same is hereby approved and the State of Kentucky is hereby declared to be a party thereto, and the agreements, covenants, and obligations therein are declared to be binding upon the State of Kentucky.

Sec. 2. That the Governor shall sign an engrossed copy of the Compact and sufficient copies be provided so that every State approving the Compact shall have an engrossed copy.

Sec. 3. That there hereby is appropriated, out of the General Expenditure Fund in the State Treasury, for Kentucky's share of the cost of administrative services and operations of the Board of Control for Southern Regional Education, the sum of $14,000, which sum shall be available for expenditure during the balance of the 1949-50 fiscal year and, without lapse, during the 1950-51 and 1951-52 fiscal years. Disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisitions of the Board of Control for Southern Regional Education.

Sec. 4. Whereas, the time within which Kentucky may enter into the Compact will shortly expire, and it is essential that this Resolution take effect at once in order that Kentucky may receive the benefits arising out of participation in the Compact, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Head	Dr. C. E. Palmore
Edgar Arnett	William K. Henry	James H. Polsgrove
Sidney Baer	E. R. Hilton	Hobart Rayburn
Walter J. Bailey	Ray Holbrook	W. R. Reasor
Clarence J. Barnum	Woodrow W. Hollan	Carl J. Ruh
C. E. Baumgardner	Chester J. Holsclaw	Amos Runyan
John D. Beatty	W. M. Horn	Dr. Roy Sanders
Fred Beshear	Richard R. Houpt	LeRoy Saylor
Edward O. Bridgers	Maurice G. Howard	Roy Searcy
Thomas L. Britton	Robert N. Hubbard	James S. Shaw
Charles J. Bronston	Silas Jacobs	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Barkley Jones	Jesse H. Shelton
Mrs. M. E. Burnett	William Jones	Forest Smith
Charles W. Burnley	Jesse H. Lawrence	Joseph T. Snapp
Alex Calvert	Mrs. J. T. Linton	J. Claude Stacy
Stanley Carter	Homer E. Losey	Roy Steers
R. Josh Cosby	A. L. (Chick) Love	Raymond D. Stigall
G. I. Drury	True Mackey	Mrs. Thelma Stovall
Thomas R. Duncan	Damon Majors	W. R. Stringer
R. C. Estepp, Sr.	Jack McPherron	M. G. Thompson
Mitchell S. Fannin	Archie R. Moore	Ralph N. Walter
C. A. Hammons	Emmett G. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	Harry Lee Waterfield
George F. Harris	Fred H. Morgan	Lyle H. Webb
Paul E. Hayes	C. S. Nabb	Charles W. Wirsch

—75

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 62. A JOINT RESOLUTION designating the Board of Trustees of the University of Kentucky as the agency of the Commonwealth, subject to certain conditions and restrictions, to carry out such negotiations and do such other acts and things as may be necessary to administer, implement and fully carry out on behalf of the Commonwealth of Kentucky, the provisions of Senate Resolution 53 of the 1950 Regular Session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Board of Trustees of the University of Kentucky is hereby designated as the agency of the Commonwealth of Kentucky charged with the responsibility and vested with all necessary authority, subject to the conditions and restrictions set out in Section 2 of this Resolution, to carry out the obligations, participate in the planning and negotiations, and administer the rights, benefits and privileges, devolving upon the Commonwealth of Kentucky and its citizens pursuant to the regional compact approved by Senate Resolution No. 53 of the 1950 General Assembly, and to do all such other acts and things as may be necessary or desirable to implement the provisions of said regional compact efficiently and impartially for the benefit of all citizens of the Commonwealth.

Sec. 2. In its participation in the regional compact approved by Senate Resolution No. 53 of the 1950 General Assem-

bly, or in any other regional plan having a similar purpose, the Commonwealth of Kentucky shall not erect, acquire, develop or maintain in any manner any educational institution within its borders to which Negroes will not be admitted on an equal basis with other races, nor shall any Negro citizen of Kentucky be forced to attend any segregated regional institution to obtain instruction in a particular course of study if there is in operation within the Commonwealth at the time an institution that offers the same course of study to students of other races.

Sec. 3. WHEREAS, if the Commonwealth is to receive the full benefits of this Resolution and of the aforesaid regional compact, at the earliest practicable time, prompt action to carry out the provisions of said regional compact is necessary, an emergency is hereby declared to exist and this Resolution shall become effective immediately upon its passage and approval by the Governor.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Head	Dr. C. E. Palmore
Edgar Arnett	William K. Henry	James H. Polsgrove
Sidney Baer	E. R. Hilton	Hobart Rayburn
Walter J. Bailey	Ray Holbrook	W. R. Reasor
Clarence J. Barnum	Woodrow W. Hollan	Carl J. Ruh
C. E. Baumgardner	Chester J. Holsclaw	Amos Runyan
John D. Beatty	W. M. Horn	Dr. Roy Sanders
Fred Beshear	Richard R. Houpt	LeRoy Saylor
Edward O. Bridgers	Maurice G. Howard	Roy Searcy
Thomas L. Britton	Robert N. Hubbard	James S. Shaw
Charles J. Bronston	Silas Jacobs	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Barkley Jones	Jesse H. Shelton
Mrs. M. E. Burnett	William Jones	Forest Smith
Charles W. Burnley	Jesse H. Lawrence	Joseph T. Snapp
Alex Calvert	Mrs. J. T. Linton	J. Claude Stacy
Stanley Carter	Homer E. Losey	Roy Steers
R. Josh Cosby	A. L. (Chick) Love	Raymond D. Stigall
G. I. Drury	True Mackey	Mrs. Thelma Stovall
Thomas R. Duncan	Damon Majors	W. R. Stringer
R. C. Estepp, Sr.	Jack McPherron	M. G. Thompson
Mitchell S. Fannin	Archie R. Moore	Ralph N. Walter
C. A. Hammons	Emmett G. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	Harry Lee Waterfield
George F. Harris	Fred H. Morgan	Lyle H. Webb
Paul E. Hayes	C. S. Nabb	Charles W. Wirsch

—75

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 29. AN ACT relating to public records and the indexing thereof, amending Section 382.205 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In any county where indexes to the records of deeds, mortgages, wills, marriages, or other public records have been or may hereafter be prepared by the Work Projects Administration or other appropriate agency of the United States Government, or by order of the fiscal court of any county, such indexes or anv of them may be adopted as the official general cross indexes of such records in the manner provided by this section in addition to each individual book index. Upon the completion of any such indexing project by an appropriate Federal Agency or by a person or persons acting under the authority of a fiscal court, or at any time thereafter, any citizen of the county may petition the county court to have said index adopted as the official index. Upon the filing of the petition, the court may forthwith by appropriate order designate a licensed attorney practicing in the county who with the county attorney and county court clerk shall comprise a commission to examine the index proposed to be adopted and ascertain whether the index is a complete and accurate index of the records to which it pertains. The commission shall thereupon make such examination as may be necessary to ascertain to its satisfaction whether such index is complete and accurate. Upon completion of such examination, the commission shall make a written report to the court of the results thereof and of its recommendations, which report shall lie over for exceptions until the second regular term of the county court thereafter held. Notice of the filing of said report shall be given by the clerk by publication in at least two issues of a daily newspaper published in said county, or if there be no daily newspaper, in a weekly newspaper, or if there be no weekly newspaper, by written or printed notices posted at the courthouse door and in the county court clerk's office. Exceptions may be filed by any interested person, and if filed shall be heard and determined as in other cases. If no exceptions are filed thereto, or upon the exceptions (if any) the court shall hear such proof as may be thought proper respecting the report filed by the clerk and the exceptions, and shall judicially determine

whether the said index is complete and accurate, and if it is determined that the index is complete and accurate, an order shall be entered adopting said index; provided, that if from such report or such proof it appears that corrections or additions should be made to such index in order to render it accurate and complete, the order may direct that such corrections or additions shall be made by the clerk, and in that event it shall be the duty of the clerk to make such corrections or additions forthwith, and upon his report that he has done so an order shall be entered adopting the index as so corrected. If adopted, said index shall thereupon become the official general cross index of the records to which it pertains, and all persons shall be entitled to rely thereon to the same extent as if the index had been prepared by the clerk of the county court. Upon the adoption of any such index, it shall be the duty of the clerk to bring same up to date from the point at which same ceased to be made by the agency which prepared it, and to continue and maintain said index thereafter in lieu of the indexing system theretofore used, except he will continue to keep the regular individual book index, and to index all instruments lodged for record in conformity therewith. The indexes theretofore used shall not be destroyed after the adoption of the new indexes, but shall be safely kept by the clerk as other records are kept, subject to inspection by any person interested therein.

(2) Expenses incurred by the county clerk under the provisions of this section shall be paid by the fiscal court of the county.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Leonard W. Preston
Bill Adams	John A. Head	W. R. Reasor
Edgar Arnett	Harold G. Helm	Carl J. Ruh
Sidney Baer	William K. Henry	Amos Runyan
Walter J. Bailey	Ray Holbrook	Dr. Roy Sanders
Clarence J. Barnum	Woodrow W. Hollan	LeRoy Saylor
C. E. Baumgardner	W. M. Horn	Roy Searcy
Leonard T. Bean	Richard R. Houpt	James S. Shaw
Fred Beshear	Robert N. Hubbard	Gus Sheehan, Jr.
L. E. Bradley	Silas Jacobs	Jesse H. Shelton
Edward O. Bridgers	Barkley Jones	Forest Smith
Thomas L. Britton	William Jones	Joseph T. Snapp
Charles J. Bronston	Mrs. J. T. Linton	J. Claude Stacy
J. D. Buckman, Jr.	Homer E. Losey	Roy Steers
Mrs. M. E. Burnett	A. L. (Chick) Love	Raymond D. Stigall
Stanley Carter	Harry K. Lowman	Mrs. Thelma Stovall
Paul Combs	True Mackey	W. R. Stringer
R. Josh Cosby	John Martin	Egbert V. Taylor
B. H. Crider	Jack McPherron	M. G. Thompson
G. I. Drury	Alton Mitchell	Ralph N. Walter
R. C. Estepp, Sr.	Walter R. Moorman	Fred M. Warns
Mitchell S. Fannin	Fred H. Morgan	Harry Lee Waterfield
C. A. Hammons	C. S. Nabb	Lyle H. Webb
James P. Hanratty	James H. Polsgrove	G. F. Williamson
George F. Harris		

—73

Resolved that the title thereof be as aforesaid.

Mr. Buckman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 250. AN ACT to repeal, amend and re-enact (Subsection 6) of Section 132.590 of the Kentucky Revised Statutes relating to compensation of county tax commissioner; allowances by state and county for deputy hire and other authorized expenses; monthly salary advancement.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Subsection (6) of Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(6) The County Tax Commissioner shall not retain any part of the compensation allowed his deputies for more than thirty days, nor shall he receive for his personal services, incident to any assessment, more than $5,000 in any county not having a first or second class city, more than $6,000 in any county having a second class city or more than $7,200 in any county having a first class city.

Sec. 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) For the year 1950, the increased compensation authorized by this Act for county tax commissioners, their deputies and assistants, shall be payable at the new rates only for such full months of the year 1950 as remain after the date this Act takes effect. The maximum limits on the compensation of county tax commissioners fixed by this Act shall be deemed to constitute their annual rate of compensation, and each county tax commissioner shall be entitled to receive as compensation for the year 1950 only such sum as would be allowable under

this section had his compensation been paid and received in the form of a monthly salary.

(2) It is the express intent of the General Assembly, in accordance with the authority granted by Section 246 of the Constitution, as amended, that the changes in compensation authorized by this Act shall apply to county tax commissioners in office on the effective date of this Act which shall be July 1, 1950.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Edward O. Bridgers	Paul Combs
Bill Adams	Thomas L. Britton	R. Josh Cosby
Edgar Arnett	Charles J. Bronston	G. I. Drury
Sidney Baer	J. D. Buckman, Jr.	Thomas R. Duncan
Clarence J. Barnum	Mrs. M. E. Burnett	R. C. Estepp, Sr.
C. E. Baumgardner	Charles W. Burnley	Mitchell S. Fannin
Fred Beshear	Alex Calvert	Henry C. Hale
L. E. Bradley	Stanley Carter	C. A. Hammons

James P. Hanratty	True Mackey	Roy Searcy
George F. Harris	Damon Majors	Paul E. Shannon
William K. Henry	John Martin	James S. Shaw
Ray Holbrook	Jack McPherron	Gus Sheehan, Jr.
Woodrow W. Hollan	Archie R. Moore	John M. Spaulding
Chester J. Holsclaw	Emmett G. Moore	Roy Steers
W. M. Horn	Walter R. Moorman	Raymond D. Stigall
Richard R. Houpt	Fred H. Morgan	Mrs. Thelma Stovall
Robert N. Hubbard	C. S. Nabb	W. R. Stringer
Silas Jacobs	James H. Polsgrove	Egbert V. Taylor
Paul S. Jonas	Hobart Rayburn	M. G. Thompson
William Jones	W. R. Reasor	Rev. T. H. Tinsley
Mrs. J. T. Linton	Carl J. Ruh	Ralph N. Walter
Homer E. Losey	LeRoy Saylor	G. F. Williamson
Harry K. Lowman		—67

Those who voted in the negative were—

Leonard T. Bean	Barkley Jones	Leonard W. Preston
John D. Beatty	A. L. (Chick) Love	J. Claude Stacy
Harold G. Helm		—7

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 177. AN ACT relating to schools established and maintained in conjunction with Houses of Reform as established in the Kentucky Revised Statutes, Chapter 198 and Children's Homes in counties containing a city of the first class as established by the Kentucky Revised Statutes, Chapter 201.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Any school established and maintained in conjunction with an institution created under the provisions of

Chapters 198 and/or 201 of the Kentucky Revised Statutes shall be deemed a common school of the State of Kentucky and shall be entitled to all the rights and privileges granted by law to public common schools.

SECTION 2. Any school so established shall be under the supervision and control of the State Department of Education and shall comply with all rules, regulations and requirements of said Department promulgated for public common schools, and shall likewise comply with all laws relating to public common schools and teachers thereof.

SECTION 3. Any school so established shall be financed from (1) a portion of the funds derived from taxes and levies or appropriations made in accordance with law for the general maintenance of such institutions and (2) its equitable share of such other funds as may be received by the State Department of Education for distribution to public common schools from State, Federal or other sources.

SECTION 4. Any school so established shall be entitled to receive free textbooks and any other services or supplies furnished by the State Department of Education.

SECTION 5. For the purpose of reporting the school census of schools maintained in such institutions, the governing authority of such institutions shall as provided in the Kentucky Revised Statutes 159.260 report to the Superintendent of Public Instruction all children of school age who on June 1 of any year are being maintained in such institutions.

SECTION 6. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

SECTION 7. Whereas the cost of maintenance and education of children, particularly those who are dependent, neglected or delinquent has increased, and, whereas under the law the school census for the purpose of determining the amount of school funds that shall be paid must be made as of June 1 of each year, an emergency is declared to exist and this act shall

be in full force and effect immediately upon its passage and approval.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Charles W. Burnley	Ray Holbrook
Bill Adams	Alex Calvert	Woodrow W. Hollan
Edgar Arnett	Stanley Carter	Chester J. Holsclaw
Sidney Baer	Paul Combs	W. M. Horn
Clarence J. Barnum	R. Josh Cosby	Richard R. Houpt
C. E. Baumgardner	G. I. Drury	Robert N. Hubbard
Leonard T. Bean	Thomas R. Duncan	Silas Jacobs
Fred Beshear	R. C. Estepp, Sr.	Paul S. Jonas
L. E. Bradley	Mitchell S. Fannin	Barkley Jones
Edward O. Bridgers	Henry C. Hale	William Jones
Thomas L. Britton	C. A. Hammons	Mrs. J. T. Linton
Charles J. Bronston	James P. Hanratty	Homer E. Losey
J. D. Buckman, Jr.	George F. Harris	A. L. (Chick) Love
Mrs. M. E. Burnett	William K. Henry	Harry K. Lowman

True Mackey	Hobart Rayburn	Roy Steers
Damon Majors	W. R. Reasor	Raymond D. Stigall
Jack McPherron	Carl J. Ruh	Mrs. Thelma Stovall
Archie R. Moore	Amos Runyan	W. R. Stringer
Emmett G. Moore	Roy Searcy	Egbert V. Taylor
Walter R. Moorman	Paul E. Shannon	M. G. Thompson
Fred H. Morgan	James S. Shaw	Rev. T. H. Tinsley
C. S. Nabb	Gus Sheehan, Jr.	Ralph N. Walter
James H. Polsgrove	Jesse H. Shelton	Fred M. Warns
Leonard W. Preston	J. Claude Stacy	Charles W. Wirsch

—72

Those who voted in the negative were—

John D. Beatty	Harold G. Helm	John Martin

—3

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 242. AN ACT relating to jailers and repealing and re-enacting KRS 64.150.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.150 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

64.150 Jailers. (1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly courts, per day not exceeding ---------- $2.00

Furnishing fuel and lights to county and quarterly courts, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day ---------- 2.00
Putting a prisoner in irons, for an offense other than a felony or contempt, besides the cost of irons---------- .50
Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day------ 1.25
Keeping and dieting prisoners in jail, in counties containing a first-class city when confined for an offense other than a felony or contempt of court, per day---------- 1.75
Imprisoning and releasing a prisoner charged with a misdemeanor ---------- .60

(2) Where the prisoner is confined for a breach of the by-laws or ordinances of a city, or for violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:
Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .60
Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.25
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ---------- .50
Each day's attendance upon the circuit court ---------- 2.00
Furnishing fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Fred H. Morgan
Bill Adams	C. A. Hammons	C. S. Nabb
Edgar Arnett	James P. Hanratty	Dr. C. E. Palmore
Sidney Baer	George F. Harris	James H. Polsgrove
Clarence J. Barnum	William K. Henry	Hobart Rayburn
C. E. Baumgardner	Ray Holbrook	W. R. Reasor
Leonard T. Bean	Woodrow W. Hollan	Carl J. Ruh
Fred Beshear	Chester J. Holsclaw	LeRoy Saylor
L. E. Bradley	W. M. Horn	Paul E. Shannon
Edward O. Bridgers	Richard R. Houpt	James S. Shaw
Thomas L. Britton	Robert N. Hubbard	Gus Sheehan, Jr.
Charles J. Bronston	Silas Jacobs	Jesse H. Shelton
J. D. Buckman, Jr.	Paul S. Jonas	J. Claude Stacy
Mrs. M. E. Burnett	Barkley Jones	Raymond D. Stigall
Charles W. Burnley	William Jones	Mrs. Thelma Stovall
Alex Calvert	Mrs. J. T. Linton	W. R. Stringer
Stanley Carter	A. L. (Chick) Love	Egbert V. Taylor
Paul Combs	True Mackey	M. G. Thompson
R. Josh Cosby	Jack McPherron	Rev. T. H. Tinsley
G. I. Drury	Archie R. Moore	Ralph N. Walter
Thomas R. Duncan	Emmett G. Moore	Fred M. Warns
R. C. Estepp, Sr.	Walter R. Moorman	Charles W. Wirsch
Mitchell S. Fannin		

—67

Those who voted in the negative were—

John D. Beatty	Homer E. Losey	Leonard W. Preston
Harold G. Helm	John Martin	Roy Steers

—6

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 249. AN ACT relating to compensation of county tax commissioner's deputies, appraisors and assistants in counties containing a city of the first class, amending section 132.630 of the Kentucky Revised Statutes and creating a new section of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 132.630 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the first class the annual salary of the deputy county tax commissioners and appraisers shall be fixed by the county judge by an order entered of record. The salary of the chief deputy shall not exceed $4200.00 per annum, that of the first three deputies shall not exceed $3600.00 per annum, that of the sixteen appraisers shall not exceed $3300.00 per annum, and that of the other deputies and assistants shall not exceed $3000.00 per annum. The total amount allowed for salaries for the county tax commissioner, his deputies, appraisers and assistants and all other expenses of the office including transportation expense for himself and deputies,

shall not exceed in the aggregate the compensation allowed by KRS 132.590. A copy of the order of the county judge fixing the salaries of the deputies and appraisers as well as a copy of any changes made therein, shall be filed with the Department of Revenue by the county court clerk when made.

Sec. 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) For the year 1950, the increased compensation authorized by this Act for county tax commissioners, their deputies and assistants, shall be payable at the new rates only for such full months of the year 1950 as remain after the date this Act takes effect. The maximum limits on the compensation of county tax commissioners fixed by this Act shall be deemed to constitute their annual rate of compensation, and each county tax commissioner shall be entitled to receive as compensation for the year 1950 only such sum as would be allowable under this section had his compensation been paid and received in the form of a monthly salary.

(2) It is the express intent of the General Assembly, in accordance with the authority granted by Section 246 of the Constitution, as amended, that the changes in compensation authorized by this Act shall apply to county tax commissioners in office on the effective date of this Act which shall be July 1, 1950.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	C. S. Nabb
Bill Adams	C. A. Hammons	Dr. C. E. Palmore
Edgar Arnett	James P. Hanratty	James H. Polsgrove
Sidney Baer	George F. Harris	Hobart Rayburn
Clarence J. Barnum	William K. Henry	W. R. Reasor
C. E. Baumgardner	Ray Holbrook	Carl J. Ruh
Leonard T. Bean	Woodrow W. Hollan	LeRoy Saylor
Fred Beshear	Chester J. Holsclaw	Paul E. Shannon
L. E. Bradley	W. M. Horn	James S. Shaw
Edward O. Bridgers	Richard R. Houpt	Gus Sheehan, Jr.
Thomas L. Britton	Robert N. Hubbard	Jesse H. Shelton
Charles J. Bronston	Silas Jacobs	J. Claude Stacy
J. D. Buckman, Jr.	Paul S. Jonas	Roy Steers
Mrs. M. E. Burnett	Barkley Jones	Raymond D. Stigall
Charles W. Burnley	Mrs. J. T. Linton	Mrs. Thelma Stovall
Alex Calvert	Homer E. Losey	W. R. Stringer
Stanley Carter	True Mackey	Egbert V. Taylor
Paul Combs	John Martin	M. G. Thompson
R. Josh Cosby	Jack McPherron	Rev. T. H. Tinsley
G. I. Drury	Archie R. Moore	Ralph N. Walter
Thomas R. Duncan	Emmett G. Moore	Fred M. Warns
R. C. Estepp, Sr.	Walter R. Moorman	Charles W. Wirsch
Mitchell S. Fannin	Fred H. Morgan	—68

Those who voted in the negative were—

John D. Beatty	William Jones	Leonard W. Preston
Harold G. Helm	A. L. (Chick) Love	—5

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House of the following titles, viz:

H. B. No. 51. AN ACT relating to poultry and hatching eggs.

H. B. No. 53. AN ACT relating to the recordation of marriages, amending subsection (12) of Section 402.990 of the Kentucky Revised Statutes providing a penalty.

H. B. No. 201. AN ACT to constitute depository libraries and to provide that said libraries shall be supplied with copies of all reports, publication, and other public books and documents reproduced and distributed at public expense by the departments, boards, commissions, officers or other agencies of the Commonwealth.

H. B. No. 263. AN ACT relating to the support of dependent wives, children and poor relatives within and without the state.

H. B. No. 274. AN ACT relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

H. B. No. 308. AN ACT relating to the Teachers' Retirement System.

H. B. No. 348. AN ACT relating to newspaper advertising required by law, amending section 424.030 of the Kentucky Revised Statutes.

H. B. No. 365. AN ACT relating to the examination of persons who are, or alleged to be, insane or feeble-minded.

H. B. No. 409. AN ACT to amend Section 339.230 of the Kentucky Revised Statutes relating to child labor.

H. B. No. 422. AN ACT to aid in the development and promotion of the purebred cattle industry in Kentucky.

H. B. No. 427. AN ACT relating to prosecuting attorney protem in cities of the first class; vacation for prosecuting attorneys.

H. B. No. 472. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1950, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

H. B. No. 434. AN ACT relating to motor trucks, semi-trailer trucks, and to trailers operating with permits, establishing and regulating the maximum height, length, width, and weight thereof, and authorizing the Commissioner of Highways to designate classifications of highways for the purpose of regulating said maximum dimensions and weight.

H. B. No. 444. AN ACT to authorize communities of this Commonwealth to adopt plans and to undertake projects for the acquisition, clearance, preparation and sale and lease of land in slum or blighted areas for development or redevelopment.

H. B. No. 480. AN ACT relating to the acquisition of property by bill of sale or by deed by the Commonwealth.

H. B. No. 481. AN ACT relating to aviation, amending Section 183.772 of the Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 248. AN ACT relating to the licensing and regulation of contractors for works projects and the letting and performance of contracts for such projects.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act:

(1) "Works project" means any public works project or undertaking for the construction, reconstruction, alteration, repairing, improving, moving, demolishing, or otherwise making, or changing the physical character, of any structure or installation, including any building, road, highway, railroad, sewer, pipe line, or other similar thing, or for the grading, excavation, moving or otherwise changing the physical conformation of any soil, earth, rock, or body or stream of water, where the cost of the project or undertaking is $15,000 or more and the contracting agency is the State or any of its political subdivisions, or any agency thereof.

(2) To "perform" a works project means to cause the works project to be accomplished through the application of the necessary labor, materials and equipment, under a general supervising authority or responsibility.

(3) "Person" includes companies as well as individuals.

(4) "Company" includes partnership, firm, corporation or other organization or association.

(5) "Board" means the State Licensing Board for Contractors.

SEC. 2. From and after August 1, 1950, except as provided in Section 11 of this Act, no person shall perform any

works project, or enter into any contract or agreement to perform a works project, or bid or otherwise offer to enter into such a contract or agreement, unless he possesses a license as a contractor under this Act.

SEC. 3. A company may be issued a license as a contractor, if the company is found to be qualified upon examination of its principal officer or member in active charge of its business, as provided in Section 4 of this Act. If, following the issuance of a license to any company, there is any substantial change in the membership or ownership of the company, or the principal officer or member who was examined ceases to be the principal officer or manager in active charge of the business, a sworn statement of such change or cessation shall be filed with the board within ten days after the change or cessation occurred. The board may require such additional information as it deems necessary to determine whether the change or cessation impairs the qualifications of the company to continue to be licensed. If the board is of the opinion that the qualifications are impaired, the board may require that the then principal officer or member of the company in active charge of its business submit to an examination, within ninety days, for the purpose of determining whether the company is qualified to continue to be licensed. If upon such examination the company is found not to be qualified, or if the principal officer or member fails or refuses to submit to examination, the board may revoke the license of the company, with the same effect and subject to the same right of appeal as provided in Sections 10 and 11 of this Act.

SEC. 4. (1) Any person desiring to obtain a license as a contractor under this Act shall make written application to the board, upon forms prescribed by the board, which application shall be accompanied by a fee of fifty dollars. If the application is by a company, it shall indicate whether the company is a partnership, firm, corporation or other kind of organization or association, and shall designate the principal officer or member in active charge of its business, and shall be signed by such principal officer or member.

(2) If the application is in proper form, and is accompanied by the prescribed fee, the applicant shall be ad-

mitted to examination for the purpose of determining his qualifications, unless he is exempted from examination under the provisions of Section 8 of this Act. The scope of the examination and the method of procedure shall be prescribed by the board with special reference to the applicant's ability to perform works projects so as to insure the safety of life, health and property.

(3) Examinations shall be held at least four times each year, at the time and place of the regular quarterly meetings of the board, or at such other time and place as the board may fix. Suitable publicity shall be given as to the times and places at which examinations will be held. If an application for a license is filed less than thirty days before an examination date, the applicant shall not be entitled to be examined until the following examination date.

(4) An applicant who fails to pass the examination shall be entitled to one reexamination, without additional fee, on any one of the next three examination dates selected by him. An applicant who again fails to pass, on the reexamination, shall not be entitled to again apply for a license until the expiration of one year from the date of his original application, and then shall be required to make application and pay the fee the same as an original applicant. Any applicant who fails an examination shall not be entitled to a refund of the application fee.

SEC. 5. (1) An applicant for a contractor's license who successfully passes the examination shall be issued a contractor's license, evidenced by a suitable certificate.

(2) The original license shall remain in force for the current calendar year, subject to renewal as provided in Section 6 of this Act. The application fee shall be deemed to constitute the license fee for such calendar year.

SEC. 6. Licenses issued under this Act shall be renewed annually, by paying to the secretary of the board, during the month of December of each year, a renewal fee of twenty-five dollars. Not later than December 1 each year, the secretary shall mail to each licensee a renewal notice, stating the expiration date and the amount of the renewal fee. However, failure of

any licensee to receive such a notice shall not relieve him of the obligation of renewing his license. Any license not renewed prior to December 31 of any year shall expire as of that date. An expired license may be revived, at any time within one year from the date of expiration, by paying a revival fee equal to the amount of the renewal fee plus ten percent of that amount for each month or part of a month that has elapsed since the date of expiration, except that the revival fee shall in no event exceed twice the normal renewal fee. If an expired license is not revived within one year from the date of its expiration, the holder of the license, in applying for a new license, shall be subject to the same requirements as an original applicant for a license.

SEC. 7. No license issued under this Act shall be transferable or assignable to any other person, nor shall any person be authorized to perform any act under the license other than the person in whose name it is issued.

SEC. 8. Any person who, during the one year period immediately preceding the effective date of this Act, has been lawfully engaged in this state in the business of performing works projects, shall be issued a license without examination, provided his application, accompanied with the prescribed fee of fifty dollars and with suitable proof of the above facts, is filed with the board within sixty days following the effective date of this Act.

SEC. 9. (1) The board shall have authority to revoke any license under this Act if the licensee has been guilty of fraud or deceit in obtaining the license, or has been guilty of gross negligence, incompetence or misconduct in the conduct of his business, or has entered into a combination with an unlicensed contractor to perform for the latter's benefit any works project.

(2) Any person may prefer charges against a licensee, on the grounds set forth in subsection (1) of this section, by filing with the secretary of the board a written statement of the charges, sworn to by the person preferring the same. Unless the board deems the charges to be unfounded or trivial, the board shall hold a hearing thereon, as soon as is practicable, at a time and place to be fixed by the board. Notice of the time

and place of the hearing shall be given by mail to the person preferring the charges.

(3) A copy of the charges, together with a notice of the time and place of the hearing, shall be served on the accused licensee, by registered mail, or by personal service, at least twenty days before the day fixed for the hearing. If such service cannot be made the required number of days before the day originally fixed for the hearing, the board may fix another day for the hearing. At the hearing the accused licensee shall have the right to appear in person and by counsel, to cross-examine witnesses against him, and to produce witnesses and evidence in his defense. The board shall have authority to issue subpoenas for the attendance of witnesses and the production of evidence, to swear witnesses and compel the giving of testimony and the production of evidence. Any circuit judge, upon application of the board, shall have authority to punish as for contempt any person refusing to appear or produce evidence in response to a subpoena issued by the board, or, being present, refusing to give testimony or produce evidence as required by the board. Witnesses subpoenaed to appear at the hearing shall be entitled to the same fees as in circuit court. The fees of witnesses subpoenaed at the direction of the board, and the officer's fees for serving the subpoenaes, shall be paid by the board out of its funds; the witness fees and officer's fees for witnesses subpoenaed at the request of any party to the hearing shall be paid by such party. At the request of any party, accompanied by a tender of the fees and a reasonable showing of necessity, the board shall subpoena the witnesses requested by such party. Subpoenas issued by the board shall be served by any officer authorized to serve process issued by a court of record.

(4) The board may itself prefer charges against a licensee, on the grounds set forth in subsection (1) of this section, in which case the same procedure shall be followed as provided in subsection (3) of this section.

(5) The affirmative vote of a majority of the board shall be necessary to revoke a license.

(6) Any person whose license has been revoked shall not have the right to make application for any license under this Act until the expiration of a period of five years from the date of revocation, provided that the board, in its discretion, may permit such a person to make application at any time before the expiration of such period. A person whose license has been revoked shall, in applying for a new license, be subject to all provisions of this Act governing an original applicant.

(7) Upon revoking a license, the board shall immediately notify the Secretary of State and each city clerk and county clerk, with directions to note the fact of revocation opposite the name of the licensee upon the roster provided for in Section 12 of this Act.

SEC. 10. When the board denies a license to an applicant, or revokes a license, it shall enter an order of denial or revocation, as the case may be, and shall immediately send a copy thereof to the applicant or licensee, by registered mail. Within twenty days after the receipt of such copy, the applicant or licensee may commence an action in the Franklin Circuit Court to secure a review of the order of the board. The circuit court may set aside the order only if it appears that the board acted beyond its powers or had no substantial evidence to support its action. The commencement of such an action shall not have the effect of superseding the order of the board.

SEC. 11. (1) The revocation or expiration of any license under this Act shall not affect the right of the licensee to complete the performance of any works project for which the licensee entered into a contract or made a firm bid or offer while the license was in force, but otherwise all of the provisions of Section 2 of this Act shall apply.

(2) Any person who, prior to the effective date of this Act, has entered into a contract for the performance of any works project or has made a firm bid or offer to enter into such a contract, shall have the right to perform such works project pursuant to the contract, without a license under this Act, but otherwise all of the provisions of Section 2 of this Act shall apply.

SEC. 12. During the month of January each year, the secretary of the board shall prepare and cause to be printed a roster showing the names and places of business of all licensed contractors and shall mail a copy to the Secretary of State, and to each city and county clerk in the state, who shall place the same on file in their offices.

SEC. 13. (1) There is hereby created a State Licensing Board for Contractors, to consist of five members appointed by the Governor. Not more than two of the members shall be residents of the same Congressional District. Each member shall, at the time of his appointment, be principally engaged in the business of performing works projects, and shall have been actively engaged in that business for a period of not less than ten years immediately preceding his appointment, and shall be of recognized standing in the field of works projects in which he is principally engaged. The Governor, in making appointments, shall endeavor to diversify the membership so that each of the major fields of the contracting industry will be represented on the board. Each member of the board shall be at least thirty-five years of age. The Governor, in appointing the first members of the board, shall be authorized to issue licenses to them as contractors, which licenses shall have the same force and effect, and be subject to the same provisions, as other licenses issued under this Act. Thereafter, no person may be appointed to or serve as a member of the board unless he holds a current license as a contractor.

(2) The Governor shall appoint the first members of the board forthwith upon the taking effect of this Act, for terms expiring as follows: One on December 31, 1950; one on December 31, 1951; one on December 31, 1952; and two on December 31, 1953. As the terms of such members expire, and every four years thereafter, successors shall be appointed for terms of four years, deemed to commence as of January 1. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Governor for the unexpired term. The Governor may remove any member for misconduct, incompetency or neglect of duty.

(3) Each member of the board shall be com-

missioned by the Governor and shall take the Constitutional oath of office.

SEC. 14. (1) The members of the first board appointed under this Act shall, within thirty days after their appointment, meet at such time, and at such place in the City of Frankfort, as the Governor shall designate, and organize by electing a chairman, vice-chairman and secretary, to serve for the balance of the calendar year. Thereafter the board, at its January meeting each year, shall elect a chairman, vice-chairman and secretary to serve for a term of one year.

(2) In lieu of electing one of its members as secretary, the board may employ or appoint an executive secretary-treasurer, and fix his compensation. Such executive secretary-treasurer, shall have all the powers and duties conferred upon the "secretary" of the board by this Act.

(3) The board may employ such clerical and other personnel as it deems necessary for the performance of its functions under this Act, within the limits of funds available to the board.

(4) The board shall adopt a seal for its own use. The seal shall bear the inscription "Kentucky State Licensing Board for Contractors." The secretary shall have charge, care and custody of the seal.

SEC. 15. (1) The board shall meet quarterly, in January, April, July and October of each year, upon such day and at such place as is fixed by resolution of the board, for the purpose of transacting such business as may come before it. Special meetings may be held at the call of the chairman, and the chairman shall call a special meeting at the request of any two members. Notice of meetings shall be given to each member in such manner as is provided by resolution of the board. Three members of the board shall constitute a quorum.

(2) The secretary shall keep a record of the proceedings of the board, and a register of all applicants for licenses, showing for each the date of application, the name, qualifications, place of business, place of residence, character of business, and whether the license was granted or refused.

The books and register of the board shall be prima facie evidence of all matters recorded therein.

(3) The board shall have authority to prescribe rules and regulations for the proper administration and enforcement of this Act, including regulations as to the replacement of lost, destroyed or mutilated license certificates.

SEC. 16. The members of the board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in carrying out the provisions of this Act. The board may authorize the payment of the necessary expenses of its executive secretary-treasurer and other employed personnel, incurred in the performance of their duties.

SEC. 17. The board shall have the same rights and privileges with respect to legal services as other state agencies.

SEC. 18. On or before March 1 each year, the board shall submit to the Governor a report of the proceedings of the preceding year, and shall file a copy of the report with the Secretary of State.

SEC. 19. The board shall make such investigations and inquiries as are necessary to determine whether this Act is being violated by any person, and shall prosecute any person who violates this Act. The board shall have the authority to bring suit to enjoin any person from violating or continuing to violate this Act, and in such suit shall not be required to give bond. Any expenses incurred in the prosecution of such suit shall be paid in the same manner as other expenses of the board.

SEC. 20. On and after August 1, 1950, no officer or employe of this state or of any political subdivision thereof shall issue a permit, work order, or award of contract, for the performance of any works project, to any person who does not hold a contractor's license under this Act, except under the circumstances contemplated by Section 11 of this Act.

SEC. 21. On and after August 1, 1950:

(1) Each architect or engineer preparing invitations to bidders or plans and specifications for works projects to be performed in this state shall include therein a statement that no bid will be accepted or considered other than from a contractor licensed under this Act.

(2) No bid for the performance of any works project shall be received from any person other than a licensed contractor.

SEC. 22. No person shall use or attempt to use, or exhibit or present as his own, any license certificate issued under this Act to another person; or falsely impersonate a licensee; or use or attempt to use an expired or revoked license certificate; or present false or forged evidence of any kind to the board.

SEC. 23. All fees received by the board under the provisions of this Act shall be placed in the State Treasury to the credit of an agency fund for the use of the board in carrying out the provisions of this Act, and shall be available to the board for the payment of expenses, compensation of employed personnel, and other expenditures necessary in carrying out the functions of the board.

SEC. 24. The fact that a person has been issued a license under this Act shall not exempt him from any of the requirements of KRS 176.070 to 176.230, and none of the provisions of those sections shall in any way be affected or superseded by this Act.

SEC. 25. Any person who violates any provision of this Act shall, for each offense, be fined not less than one hundred dollars nor more than five hundred dollars. In addition to such fine, or in lieu thereof, any person who violates any provision of Section 2 or Section 22 of this Act may be imprisoned in jail for not more than thirty days.

Mr. McClain moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Emmett G. Moore
Bill Adams	Paul E. Hayes	Fred H. Morgan
Edgar Arnett	John A. Head	C. S. Nabb
Sidney Baer	William K. Henry	Hobart Rayburn
Clarence J. Barnum	E. R. Hilton	W. R. Reasor
C. E. Baumgardner	Ray Holbrook	Carl J. Ruh
Fred Beshear	Woodrow W. Hollan	Dr. Roy Sanders
Edw. O. Bridgers	Chester J. Holsclaw	Roy Searcy
Thomas L. Britton	Richard R. Houpt	Paul E. Shannon
Charles J. Bronston	Robert N. Hubbard	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Silas Jacobs	Jesse H. Shelton
Mrs. M. E. Burnett	Paul S. Jonas	Forest Smith
Charles W. Burnley	Barkley Jones	Joseph T. Snapp
Alex Calvert	William Jones	J. Claude Stacy
Stanley Carter	James W. Lambert	Raymond D. Stigall
Paul Combs	Jesse H. Lawrence	Mrs. Thelma Stovall
R. Josh Cosby	Mrs. J. T. Linton	W. R. Stringer
B. H. Crider	Homer E. Losey	Egbert V. Taylor
Owen Deering	A. L. (Chick) Love	M. G. Thompson
G. I. Drury	Harry K. Lowman	Rev. T. H. Tinsley
Thomas R. Duncan	True Mackey	Ralph N. Walter
R. C. Estepp, Sr.	Damon Majors	Fred M. Warns
Mitchell S. Fannin	G. Lee McClain	Morris Weintraub
Henry C. Hale	Archie R. Moore	G. F. Williamson
C. A. Hammons		—73

Those who voted in the negative were—

L. E. Bradley	Alton Mitchell	Roy Steers
Harold G. Helm	Leonard W. Preston	Lyle H. Webb
John Martin	Amos Runyan	Charles W. Wirsch
Jack McPherron	LeRoy Saylor	—11

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 280. AN ACT relating to ad valorem tax on distilled spirits.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of KRS 132.130 to 132.180 any owner or proprietor or custodian of a bonded warehouse required by law to report and pay ad valorem taxes and interest on distilled spirits, may elect to pay in one payment all taxes and interest which have accrued thereon. Once such option to pay accrued taxes and interest is exercised by the taxpayer, he shall thereafter pay annually all state and local ad valorem taxes imposed on distilled spirits for which he is liable and such taxes shall become due September 15 following the assessment date and shall become delinquent on January 1 following the assessment date. Delinquent taxes on such distilled spirits shall be subject to the same penalties as provided by law for other tangible personal property and the collecting officer shall have all of the powers and duties to collect such delinquent taxes, penalties, and interest as provided by law for other tangible personal property within such taxing jurisdiction.

Mr. McClain moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Woodrow W. Hollan	W. R. Reasor
Edgar Arnett	W. M. Horn	Carl J. Ruh
Sidney Baer	Richard R. Houpt	Amos Runyan
Clarence J. Barnum	Robert N. Hubbard	LeRoy Saylor
C. E. Baumgardner	Silas Jacobs	Roy Searcy
Leonard T. Bean	Paul S. Jonas	Paul E. Shannon
John D. Beatty	Barkley Jones	James S. Shaw
Charles J. Bronston	William Jones	Gus Sheehan, Jr.
J. D. Buckman, Jr.	James W. Lambert	Jesse H. Shelton
Mrs. M. E. Burnett	Mrs. J. T. Linton	Forest Smith
Charles W. Burnley	Homer E. Losey	Roy Steers
Alex Calvert	Harry K. Lowman	Raymond D. Stigall
Stanley Carter	True Mackey	Mrs. Thelma Stovall
Paul Combs	Damon Majors	W. R. Stringer
R. Josh Cosby	John Martin	Egbert V. Taylor
Thomas R. Duncan	G. Lee McClain	M. G. Thompson
Mitchell S. Fannin	Jack McPherron	Rev. T. H. Tinsley
Henry C. Hale	Archie R. Moore	Ralph N. Walter
C. A. Hammons	Emmett G. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	Harry Lee Waterfield
Paul E. Hayes	Fred H. Morgan	Morris Weintraub
John A. Head	C. S. Nabb	G. F. Williamson
William K. Henry	Dr. C. E. Palmore	Charles W. Wirsch
Ray Holbrook	Hobart Rayburn	—71

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Runyan moved that the rules be suspended and Miss Joann Johnson of Stone, Kentucky, be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 283. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

As used in Kentucky Revised Statutes 138.130 to 138.200:

"Sale" includes, in addition to its ordinary meaning, the possession of cigarettes for consumption, irrespective of how acquired. Possession of cigarettes by any person other than a manufacturer, wholesaler or retailer, as defined in Section 138.130 of the Kentucky Revised Statutes, shall be prima facie evidence of possession for consumption.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	James P. Hanratty	Hobart Rayburn
Sidney Baer	George F. Harris	W. R. Reasor
C. E. Baumgardner	John A. Head	Carl J. Ruh
John D. Beatty	William K. Henry	Amos Runyan
Fred Beshear	Woodrow W. Hollan	Dr. Roy Sanders
L. E. Bradley	Chester J. Holsclaw	LeRoy Saylor
Edw. O. Bridgers	W. M. Horn	Paul E. Shannon
Thomas L. Britton	Richard R. Houpt	James S. Shaw
Charles J. Bronston	Silas Jacobs	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Paul S. Jonas	Forest Smith
Mrs. M. E. Burnett	Mrs. J. T. Linton	Joseph T. Snapp
Charles W. Burnley	A. L. (Chick) Love	John M. Spaulding
Paul Combs	Harry K. Lowman	J. Claude Stacy
R. Josh Cosby	True Mackey	Raymond D. Stigall
B. H. Crider	John Martin	W. R. Stringer
G. I. Drury	Alton Mitchell	Egbert V. Taylor
Thomas R. Duncan	Archie R. Moore	Rev. T. H. Tinsley
R. C. Estepp, Sr.	Fred H. Morgan	Fred M. Warns
Henry C. Hale	C. S. Nabb	G. F. Williamson
C. A. Hammons	Dr. C. E. Palmore	

—59

Those who voted in the negative were—

Leonard W. Preston Harry Lee Waterfield Charles W. Wirsch
Roy Steers

—4

Resolved that the title thereof be as aforesaid.

Mr. Buckman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 286. AN ACT relating to the State Fair Board, and its powers, duties and functions, including its powers with respect to operations, activities and enterprises at times other than when the State Fair is being conducted.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 247.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be a body corporate with the usual corporate powers. Full minutes and records shall be kept of all meetings of the board and all official actions of the board shall be recorded therein, and such minutes and records shall constitute public records and be available at all reasonable times for public inspection.

(2) A quorum of the board shall consist of five members, and a majority of those present at any meeting of the board may act for the board upon any matter which may legally come before such meeting.

Sec. 2. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall appoint a manager who shall not be one of their number. The manager shall be appointed on the basis of training, ability and experience. The manager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of six members of the board. The man-

ager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) The manager may organize such administrative divisions as may be necessary and may designate chiefs of such divisions who, under his control and supervision, shall have the duties of direction of such divisions. The manager may employ such other employes and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the duties and compensation of any employes or agents with the approval of the board.

(3) In addition to the manager, the board may employ or contract with such other persons, firms or corporations as the board may deem necessary or desirable to accomplish its duties and functions; may fix the compensation and the terms of employment or contract of those employed or contracted with; and may assign to them such duties and responsibilities as the board may determine, including the responsibility of actual operation of any or all of the facilities under the control of the board.

(4) The manager and any persons employed under this section shall not be subject to the provisions of KRS 42.110 or 42.120.

Sec. 3. Section 247.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board:

(a) Shall have the custody and control of such property as now is under its custody and control, and of such property as may hereafter be placed under its control or transferred to it by the State Property and Buildings Commission, for any purposes mentioned in this section, and the physical properties so under its custody and control or transferred to it are hereinafter referred to in this

section, and in KRS 247.150 and 247.160, as the "State Fair Grounds."

(b) May erect and repair buildings on the State Fair Grounds, make any and all necessary or proper improvements, and generally carry on a program of development and extension of facilities designed to accomplish the objects defined in this section.

(c) Shall promote the progress of the state and stimulate public interest in the advantages and development of the state by providing facilities for agricultural and industrial exhibitions, public gatherings, cultural activities, and other functions calculated to advance the educational, physical and cultural interests of the public.

(d) May hold an annual fair on the State Fair Grounds, for the exhibition of agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock, mineral, and all other industrial interests of the state, and prepare premium lists and establish rules of exhibition for the fair.

(2) The State Fair Board may take, acquire and hold property, and all interests therein, by deed, gift, devise, bequest, lease, or eminent domain, or by transfer from the State Property and Buildings Commission, and may dispose of any property so acquired in the manner provided by law. In the exercise of its power of eminent domain it may proceed in the manner provided in KRS 416.115 or in the manner provided in KRS 416.120.

Sec. 4. Section 247.180 of the Kentucky Revised Statutes is repealed, and in lieu thereof there is enacted the following section, to be numbered 247.180.

(1) The State Fair Board is authorized and empowered to issue and sell negotiable revenue bonds in such denominations and in such amount or amounts as may be deemed by the board to be for the best interest of the Commonwealth, for any of the following purposes:

(a) To acquire real estate to be devoted to a revenue-producing use.

(b) To pay all or any part of the expense or cost of or incidental to a building project.

(c) To defray the cost of plans, specifications, blue prints, architectural fees and other expenses authorized to be incurred under the terms of KRS 247.130 and 247.140.

(2) Any revenue bonds so issued shall bear interest at a rate not exceeding five percent per annum, payable semi-annually, and shall become due and payable not more than forty years from the date of issuance. The payment of the bonds, together with the interest thereon, may be secured by a pledge and a first lien on all of the receipts and revenue derived or to be derived, from any physical property under the control of the board. Neither the payment of any bond, nor the interest thereon issued under the authority of this section, shall constitute an indebtedness of the Commonwealth of Kentucky or of the State Fair Board, nor shall any bond or interest thereon be payable out of any fund except such funds as may be derived from rentals or other revenues derived from the operation of the properties or from such revenues as may have been, or may be, available for such purpose, or purposes, by law.

(3) All bonds which may be issued by the commission under the provisions of this section shall be sold to the highest bidder after having been duly advertised in a newspaper, or newspapers, of general circulation in the Commonwealth at least once a week for three consecutive weeks, and by such advertising as the board may prescribe if it finds additional advertising is necessary.

(4) All competitive bids for the sale of such revenue bonds shall be opened and read publicly by the board or its representative at a designated place, day and hour, all of which shall be announced in the advertising made relative thereto.

(5) Except as otherwise specifically provided in this section, the board is vested with all of the rights, powers and duties set forth and enumerated under Chapter 58 of the Kentucky Revised Statutes.

(6) In the event the board issues and sells revenue bonds for a building project as authorized in KRS 247.140

and this section, it may carry such insurance, including fire and windstorm, casualty, catastrophe, use and occupancy and such other insurance as the board may deem advisable in connection with the building project, and may so obligate and bind itself in a trust indenture securing the payment of such bonds. Any such insurance shall be paid for out of the funds available for the project.

(7) All money from the sale of revenue bonds shall be paid to the State Treasurer and shall be held by him as a special trust fund to be designated as directed by the board, and no part thereof shall be withdrawn from the State Treasury except for the purposes authorized by this section, together with the cost incidental to the issuing and selling of such bonds and other expenses directly related thereto. The board may likewise provide in any trust indenture securing revenue bonds for additional terms and conditions thereof, or for other restrictions not in conflict with this section.

Sec. 5. Section 247.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) All revenues derived by the State Fair Board from the use of properties and facilities under its custody and control shall be used exclusively for the purpose of defraying the expenses of the board, the cost of the management and operation of such properties and facilities, the payment of interest and principal upon any indebtedness incurred by the board for such properties and facilities, the creation of adequate reserves for the repair and replacement thereof and for the financing of further extensions, improvements, and additions thereto. Included in the cost of operation may be such promotional activities as the State Fair Board may determine upon as calculated to stimulate and increase the use and the revenues of such facilities, and to increase and stimulate the interest and usefulness of the State Fair. Any surplus revenues remaining after full provision for the above purposes shall be used to reduce the admission fees and charges to the public for attendance upon the State Fair and for public use by the citizens of the Commonwealth of the facilities of

the State Fair Board, and shall on no account be appropriated to any other agency or function.

(2) The State Fair Board shall generally cause its funds to be deposited in the State Treasurer's office, to be withdrawn on appropriate vouchers approved by the board, but may create special accounts in other depositories for the purpose of securing the prompt payment of interest and principal on any of its bonded indebtedness if in the judgment of the board, or, if as determined by competitive bids, the creation of such special accounts and depositories is advantageous and economical to the board.

(3) An annual accounting of the funds of the State Fair Board shall be made by the Auditor of Public Accounts and reported to the Governor for the benefit of Governor and the General Assembly.

Sec. 6. Whereas, immediate development of the State Fair Grounds is essential to prevent economic loss and to accomplish the purposes for which the grounds were acquired, and to enable adequate preparation to be made for the 1950 State Fair, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Reasor moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	C. A. Hammons	W. R. Reasor
Edgar Arnett	James P. Hanratty	Carl J. Ruh
Sidney Baer	George F. Harris	Amos Runyan
Clarence J. Barnum	Paul E. Hayes	Dr. Roy Sanders
C. E. Baumgardner	John A. Head	LeRoy Saylor
Leonard T. Bean	William K. Henry	Roy Searcy
John D. Beatty	W. M. Horn	Paul E. Shannon
Fred Beshear	Richard R. Houpt	James S. Shaw
L. E. Bradley	Silas Jacobs	Gus Sheehan, Jr.
Thomas L. Britton	Paul S. Jonas	Forest Smith
Charles J. Bronston	Barkley Jones	Joseph T. Snapp
J. D. Buckman, Jr.	William Jones	John M. Spaulding
Mrs. M. E. Burnett	Mrs. J. T. Linton	J. Claude Stacy
Charles W. Burnley	A. L. (Chick) Love	Raymond D. Stigall
Paul Combs	Harry K. Lowman	W. R. Stringer
R. Josh Cosby	True Mackey	Egbert V. Taylor
B. H. Crider	Damon Majors	M. G. Thompson
Owen Deering	G. Lee McClain	Rev. T. H. Tinsley
G I. Drury	Alton Mitchell	Ralph N. Walter
Thomas R. Duncan	Archie R. Moore	Harry Lee Waterfield
Mitchell S. Fannin	Emmett G. Moore	G. F. Williamson
Henry C. Hale	C. S. Nabb	—65

Those who voted in the negative were—

Harold G. Helm	Leonard W. Preston	Lyle H. Webb
John Martin	Roy Steers	—5

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 166. AN ACT relating to wartime and national emergency laws; repealing statutes whose tenure was dependent on the existence of the war or emergency; amending statutes part of the provisions of which were dependent upon the existence of the war or emergency; making effective acts and amendments the effective date of which were made dependent upon the termination of the war or emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Sections 39.010 thru 39.280, 134.035 thru 134.037, 141.225, 189.225, and 337.545 and subsection (7) of Section 281.020 of the Kentucky Revised Statutes are repealed.

Sec. 2. Section 4 of Chapter 208 of the Acts of 1948 is repealed and Section 186.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person need obtain an operator's license to operate a road roller, road machinery or any tractor or implement of husbandry temporarily drawn or propelled on the highways.

(2) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with an operator's permit from the United States, shall be exempt from an operator's license when operating an official vehicle in the course of his service.

Sec. 3. Section 243.685 of the Kentucky Revised Statutes is amended to read as follows:

Alcohol or distilled spirits manufactured in or imported into the Commonwealth of Kentucky for industrial purposes as distinguished from beverage purposes, and under circumstances such as to render the same free from the payment of internal revenue taxes under the laws of the United States, shall be exempt from the manufacturing and import taxes imposed by subsections (1) and (2) (a) of KRS 243.680, subject to such regulations as the Department of Revenue may prescribe.

Sec. 4. Section 9 of Chapter 208 of the Acts of 1948 is repealed, and Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

Sec. 5. Section 189.180 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 189.235:

(1) No person shall operate on any highway any motor truck or semi-trailer truck whose height, including any part of the body or load, exceeds eleven and one-half feet. This does not require public authorities to provide vertical clearances to permit the operation of vehicles with the height of eleven and one-half feet.

(2) No person shall operate on a highway any motor truck or semi-trailer truck whose width, including any part of body or load, exceeds ninety-six inches.

(3) No person shall operate on any highway any motor truck whose length, including any part of the body or load, exceeds twenty-six and one-half feet, nor any semi-trailer truck whose length, including any part of the body or load, exceeds thirty feet.

Sec. 6. Section 189.220 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 189.235, no person shall operate on a highway any motor truck or semi-trailer truck whose gross weight, including the load, exceeds eighteen thousand pounds.

Sec. 7. Section 7 of Chapter 153 of the Acts of 1944 is amended to read as follows:

This Act shall take effect on July 1, 1950.

Sec. 8. Section 243.120 of the Kentucky Revised Statutes is amended to read as follows:

A distiller's, rectifier's or vintner's license shall authorize the licensee to engage in the business of distiller, rectifier, or vintner at the premises specifically designated in the license and to transport for himself only any alcoholic beverage which he is authorized under the license to manufacture or sell. Such licensee shall transport alcoholic beverages only by a vehicle owned and operated by himself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee. No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

Sec. 9. Section 2 of Chapter 158 of the Acts of 1944 is amended to read as follows:

This Act shall take effect on July 1, 1950.

Sec. 10. This Act shall take effect on July 1, 1950.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker anounced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Clarence J. Barnum	William K. Henry	C. S. Nabb
C. E. Baumgardner	Ray Holbrook	Hobart Rayburn
Leonard T. Bean	Chester J. Holsclaw	W. R. Reasor
Fred Beshear	W. M. Horn	Carl J. Ruh
L. E. Bradley	Richard R. Houpt	Dr. Roy Sanders
Edw. O. Bridgers	Robert N. Hubbard	Roy Searcy
Charles J. Bronston	Silas Jacobs	Paul E. Shannon
Mrs. M. E. Burnett	Paul S. Jonas	James S. Shaw
Charles W. Burnley	Barkley Jones	Gus Sheehan, Jr.
Alex Calvert	William Jones	Forest Smith
Stanley Carter	Jesse H. Lawrence	John M. Spaulding
Paul Combs	Mrs. J. T. Linton	J. Claude Stacy
R. Josh Cosby	Harry K. Lowman	Raymond D. Stigall
Owen Deering	True Mackey	Mrs. Thelma Stovall
G. I. Drury	Damon Majors	W. R. Stringer
Thomas R. Duncan	G. Lee McClain	Egbert V. Taylor
James P. Hanratty	Jack McPherron	Rev. T. H. Tinsley
George F. Harris	Walter R. Moorman	Ralph N. Walter
Paul E. Hayes	Fred H. Morgan	G. F. Williamson
John A. Head		—58

Those who voted in the negative were—

John D. Beatty	Homer E. Losey	LeRoy Saylor
R. C. Estepp, Sr.	John Martin	Roy Steers
C. A. Hammons	Dr. C. E. Palmore	Harry Lee Waterfield
Harold G. Helm	Leonard W. Preston	Lyle H. Webb
James W. Lambert		—13

Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Henry moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Whereupon, Mr. Henry offered the following resolution, viz:

H. Res. No. 81. A CONCURRENT RESOLUTION extending the thanks of the General Assembly of the Commonwealth of Kentucky to the George T. Stagg Distillery for the use of its premises and facilities for the holding of the General Assembly Return Ball.

WHEREAS, it has been a time-honored custom, in keeping with the hospitality and tradition of the Commonwealth of Kentucky, for the members of the General Assembly, near the conclusion of the Regular Session, to hold a Return Ball in consideration of the many courtesies extended the members of the House and Senate by the Assembly Ball Club of Frankfort; and

WHEREAS, in order to hold this Return Ball and to accommodate the number of members and guests attending same it was necessary that a suitable place by secured; and

WHEREAS, the George T. Stagg Distillery of Frankfort, Kentucky, having available a large auditorium suitable for such purposes, did graciously and without cost turn over the same to the members of the House of Representatives and the Senate for their use and the use of their guests;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the House of Representatives and the Senate do hereby publicly express, to the George T. Stagg Distillery of Frankfort, thanks and appreciation for allowing the use of its auditorium and facilities, without charge, to the members of the House of Representatives and the Senate and their guests in order that the Return Ball could be held.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 282. AN ACT relating to planning and zoning in the state capital and its environs; amending KRS 147.200, KRS 147.220, KRS 147.230, and KRS 147.250, and adding new sections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 147.200 of the Kentucky Revised Statutes is amended to read as follows:

The Capital Planning and Zoning Commission shall consist of the Governor, the Commissioner of Highways, the State Highway Engineer, the Director of the Division of Parks, the Mayor of Frankfort, and two private citizens resident in the area subject to the provisions of this Act, who shall be appointed by the Governor. The Governor shall serve as Chairman. Members shall serve without pay, but may be reimbursed for their necessary expenses in the performance of their duties. The appointed members shall serve for terms of four years, subject to removal at the pleasure of the Governor.

Section 2. Section 147.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) It shall be the function and duty of the Commission to prepare and approve a comprehensive plan for the physical development of that area of the capital city of the Commonwealth and its environs which is included within a circle whose center is at the Franklin County Courthouse and whose radius is three miles from the Courthouse, and to submit and recommend such plan to the Fiscal Court of Franklin County and to the legislative body of any city or cities within the said area, for adoption or rejection.

(2) Said comprehensive plan shall show and include:

(a) A master plan, as defined and provided for in KRS 100.046 to 100.051;

(b) a zoning plan and regulations and restrictions relating thereto, as defined and provided for in KRS 100.066 to 100.073; and

(c) subdivision control regulations and restrictions relating thereto, as defined and provided for in KRS 100.087 to 100.092.

(3) Where not in conflict with this Act as amended by the 1950 session of the General Assembly, the Commission shall have the same powers, and shall follow the same procedures, which have been granted to or provided for the joint planning and zoning commission of cities of the first class and counties containing such cities by KRS 100.045 to KRS 100.078 and KRS 100.087 to KRS 100.095.

Section 3. Section 147.230 of the Kentucky Revised Statutes is amended to read as follows:

The Commission may employ or contract with a qualified city planning architect who shall advise and carry out the detail work as directed by the Commission. The Commission may employ clerical or technical help, and shall pay all expenses and attendance fees of the Board of Zoning Adjustment and Appeals, hereinafter provided for, but only within the limits of the funds allotted the Commission by the General Assembly or made available to it from other sources.

Section 4. A new section of the Kentucky Revised Statutes is hereby created, to be numbered KRS 147.245 and to read as follows:

(1) A Board of Zoning Adjustment and Appeals is hereby created and established, which board shall consist of five members, none of whom shall be a member of the Commission or hold any other public office or public position. Of these members, one shall be appointed by the Governor to serve for a term of four years. Two members shall be appointed by the County Judge of Franklin County, one of whom, when first appointed, shall serve for a term of one year and one of whom shall serve

for a term of four years. Two members shall be appointed by the Mayor of the City of Frankfort, one of whom, when first appointed, shall serve a term of two years, and one of whom, when first appointed, shall serve a term of three years. Thereafter the terms of office of all such members shall be four years. Upon the expiration of the term of office of any member, the successor to such member shall be appointed within ten days by the Governor, Mayor or the County Judge, as the case may be. Vacancies occurring other than through expiration of term of office shall be filled for the unexpired term only, by the Governor, Mayor or the County Judge, as the case may be. Members may be removed by the appointing officer for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing officer shall file with the Board a written statement setting forth the reason for such removal. Each member of the Board shall be reimbursed for his necessary expenses incurred in the performance of his duties. The Board is empowered to adopt rules and regulations necessary or convenient for the transaction of its business, and it shall keep minutes and records of all its proceedings. The Commission shall furnish clerical assistance to the Board, when requested by the Board.

(2) Each member of the Board shall receive the sum of ten dollars for each of the Board meetings attended by such member, but no member of said Board shall be paid more than one hundred and fifty dollars during any fiscal year of the Board, nor for more than fifteen meetings held during any fiscal year of said board.

Section 5. A new section of the Kentucky Revised Statutes is hereby created, to be numbered KRS 147.246 and to read as follows:

Where not in conflict with this Act as amended by the 1950 session of the General Assembly, the Board shall have all duties, power and authority granted to, and shall follow the procedures provided for, the Board of Zoning Adjustment and Appeals of cities of the first class and counties containing such cities, by KRS 100.079 to KRS 100.086.

Section 6. Section 147.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any regulation adopted and approved under the provisions of this act shall have the force and effect of an ordinance.

(2) Penalties for violation of any such regulation may be fixed in the regulation, but no penalty shall exceed a fine of $500, or a jail sentence of six months, or both.

Section 7. An aggrieved party shall have all the rights of appeal granted by KRS 100.031 to KRS 100.098.

Section 8. Section 4 of this Act shall not become effective until July 1, 1950.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Clarence J. Barnum	Edw. O. Bridgers
Edgar Arnett	C. E. Baumgardner	Charles J. Bronston
Sidney Baer	Fred Beshear	J. D. Buckman, Jr.

Mrs. M. E. Burnett	Paul S. Jonas	LeRoy Saylor
Charles W. Burnley	Barkley Jones	Roy Searcy
Alex Calvert	William Jones	Paul E. Shannon
Paul Combs	James W. Lambert	James S. Shaw
R. Josh Cosby	Mrs. J. T. Linton	Gus Sheehan, Jr.
Owen Deering	A. L. (Chick) Love	Forest Smith
Thomas R. Duncan	Harry K. Lowman	John M. Spaulding
Henry C. Hale	True Mackey	Raymond D. Stigall
C. A. Hammons	John Martin	W. R. Stringer
James P. Hanratty	G. Lee McClain	M. G. Thompson
John A. Head	Archie R. Moore	Rev. T. H. Tinsley
William K. Henry	C. S. Nabb	Ralph N. Walter
Woodrow W. Hollan	Hobart Rayburn	Fred M. Warns
W. M. Horn	Carl J. Ruh	Harry Lee Waterfield
Richard R. Houpt	Amos Runyan	G. F. Williamson
Silas Jacobs	Dr. Roy Sanders	Charles W. Wirsch

—57

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 279. AN ACT to repeal, amend and re-enact Section 64.010 of the Kentucky Revised Statutes relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 64.010 of the Kentucky Revised Statutes be repealed and re-enacted to read as follows:

Clerks generally. The Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts, as far as the

same will apply, shall receive for the following services the following fees.

Issuing summons	$0.50
Each copy thereof	.25
Entering return thereon	.25
Issuing order of attachment	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing order of injunction	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing subpoena (all of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)	.50
Issuing attachment for a witness	.50
Issuing order of arrest	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing order of delivery	.50
Each copy thereof	.25
Entering return thereon	.25
Issuing each writ of possession	1.50
Docketing an action, motion or proceeding	.20
Order assigning cases to a Division of Court	.40
Warning Order by Clerk	.50
Order of Clerk appointing Warning Order Attorney	.50
Issuing a Rule	.50
Each copy thereof	.25
Filing return on Rule	.25
Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the Rule Docket	.20
Filing a pleading	.25
Filing each exhibit or other paper not a pleading	.25
Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness	.40

Each commission to take deposition	1.00
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one	.25
Taking a recognizance of a party or witness	.40
Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or ruling of the court or any other step taken, each	.40
Copy thereof	.30
Attendance in court upon each trial of an action, to be charged to each party for each trial	1.00
Swearing a jury	.50
Entering a judgment (other than equity action)	.75
Each copy thereof	.50
Entering or recording a judgment in an equity action, for every ten words	.02
Taxation of costs of each party, to be charged to such party	.50
Each copy of a taxation of costs of each party, if called for	.30
Filing copy of costs taxed in the case file	.25
Issuing an execution, with all endorsements thereon	1.00
Each copy of an execution with all endorsements thereon	.75
Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words	.02
Copying a record for Court of Appeals or other purpose, each ten words	.02
Issuing a supersedeas	.50
Each copy thereof	.25
Entering return thereon	.25
Filing each transcript on appeal	.25

Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same	.50
Copying a pleading or other paper, each ten words	.02
Indexing in Plaintiff's and Defendant's General Index to Suits, each name of parties to an action, to be charged for each listing and once in each case	.20
Indexing in Defendant's Index of Executions of each name of parties to such execution, to be charged for each listing and for each execution issued	.20
Indexing in Plaintiff's and Defendant's Index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment	.20
Each order made by the Clerk in Vacation or made by the Clerk when the court is not in vacation	.50
Each order in the county court	.40
Each copy thereof when ordered	.30
Probate of a will and certificate, including all services relating thereto	1.00
Order granting an administration, or appointing appraisers of estate or any fiduciary	.50
Taking a bond for any fiduciary	1.00
Certificate of administration or copy of it	.50
Issuing a writ of idiocy or lunacy	.75
Recording each inquisition under same	.75
Each copy of such inquisition when ordered	.75
Recording deed of trust or assignment for the benefit of creditors	2.00
Copy of same when ordered	1.00
Taking bonds required of the trustee or trustees in such cases, and including all services connected with it	2.00
Recording inventories required to be filed by the trustees, for every twenty words	.04
Each official certificate	1.00

Each bond required to be taken or prepared by the clerk	1.00
Taking a bond where no fee is fixed specially by law	1.00
Copy of any bond when ordered	1.00
Recording a bond, each bond	1.00
Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same	.75
Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof	.04
Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words	.02
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed twelve hundred words	2.00
All over twelve hundred words, every twenty words	.04
Each additional certificate	.25
Each additional tract embraced in such deed, except town lots	.25
Copy of deed and certificate thereon	2.00
Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services	1.50
Each copy thereof	1.00
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words	2.00

All over twelve hundred words, for every twenty words	.04
Copy of same	2.00
Recording mortgage of personalty	1.50
Copy of same	1.00
Recording, entering or noting release of any lien, mortgage or redemption other than a deed of release	.25
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien	1.00
Copying courses and distance of any deed, for each tract when demanded	.25
Recording plat laid down in the allotment of dower or division of land, for each tract thereof	.25
Recording or copying a plat or map of land, each lot	.25
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident	5.00
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city	5.00
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not	.40
Each order appointing a surveyor of road	.40
Each copy thereof	.40
(The last two named to be paid out of the county levy.)	
Each order in proceedings for private passways, to be paid by applicant	.40
Each copy of same, to be paid by applicant when ordered	.30
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy	2.00

Copying a surveyor's report, for every twenty words or fraction thereof	.04
Administering an oath and certificate thereof	.50
Issuing license for which no other fee is fixed by law	1.00
Marriage license, bond, certificate and recording	2.50
Each order and certificate allowing any claim against the county treasurer or State Treasurer, where the claim exceeds five dollars, to be paid by the claimant	.50
Recording post notice of an estray, waif-boat or wreck, and advertising same	.75

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Clarence J. Barnum	Fred Beshear
Bill Adams	Leonard T. Bean	Edw. O. Bridgers
Sidney Baer	John D. Beatty	Charles J. Bronston

J. D. Buckman, Jr.	Richard R. Houpt	Carl J. Ruh
Mrs. M. E. Burnett	Silas Jacobs	Amos Runyan
Charles W. Burnley	Barkley Jones	Dr. Roy Sanders
Alex Calvert	William Jones	Roy Searcy
Paul Combs	Mrs. J. T. Linton	Paul E. Shannon
B. H. Crider	A. L. (Chick) Love	James S. Shaw
Owen Deering	Harry K. Lowman	Forest Smith
G. I. Drury	True Mackey	Joseph T. Snapp
Thomas R. Duncan	Damon Majors	John M. Spaulding
Henry C. Hale	Archie R. Moore	J. Claude Stacy
C. A. Hammons	Walter R. Moorman	Raymond D. Stigall
James P. Hanratty	Fred H. Morgan	Mrs. Thelma Stovall
George F. Harris	C. S. Nabb	W. R. Stringer
Paul E. Hayes	James H. Polsgrove	M. G. Thompson
John A. Head	Hobart Rayburn	Rev. T. H. Tinsley
Woodrow W. Hollan	W. R. Reasor	Ralph N. Walter
W. M. Horn		Fred M. Warns

—59

Those who voted in the negative were—

John Martin Leonard W. Preston —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 118. AN ACT relating to drainage commissioners, boards, districts, and divisions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. KRS 267.490 is amended to read as follows:

(1) In all counties having seventy-five or more drainage districts a drainage commissioner shall be appointed as pro-

vided in Section 5 of this Act who shall have and exercise all of the powers and duties vested in directors and boards of drainage commissioners elected under the provisions of KRS 267.090 and 267.100. The person so appointed shall hold office for a term of one year and until his successor shall be appointed and qualify. He shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of his position to the best of his ability. Any vacancy in said office shall be filled by the board of supervisors.

(2) The commissioner may acquire, hold, encumber, sell and convey any property necessary to the conduct of his affairs as commissioner, may sue and be sued, contract and be contracted with, and shall possess any other powers and rights necessary for carrying on his work under the provisions of this chapter. No sale or conveyance of real property shall be made by the commissioner without the written consent of the board of supervisors duly entered in the minutes of the board.

(3) The commissioner shall be paid as full compensation for his services an amount fixed by the board of supervisors at the time of his appointment as reasonable, provided the amount is within available funds and not inconsistent with legal limitations on salaries. In addition, the commissioner shall be reimbursed for all traveling expenses incurred in the performance of his duties which, with the salary, shall be paid out of the drainage funds.

(4) With the approval of the board of supervisors, the commissioner may appoint a secretary-treasurer and fix his compensation. The secretary-treasurer shall collect and receive all moneys due to the drainage commissioner by reason of assessments and otherwise, and shall disburse the same as directed by the drainage commissioner. The secretary-treasurer shall execute bond to the Commonwealth of Kentucky for the use and benefit of the drainage districts in the county, in a penal sum to be fixed by the county judge and shall make an annual report to the board of supervisors of all collections and disbursements. The commissioner shall submit an audit of the drainage funds biennially to the board of supervisors.

(5) A board of five supervisors shall be established as hereinafter provided. The county judge shall call a general meeting during the month of May wherein owners of lands included in established drainage districts shall be eligible voters. In a general way, the judge shall indicate, at such meeting, five divisions of the total drainage district areas that will be somewhat equal in terms of area of land. Land holders in each division so defined by the county judge shall elect by vote one of their number. Th judge may hold elections for all such divisions on a given day or designate two or more days for such elections. The term of office will be four years, except that after the first election the five supervisors shall cast lots by which two shall be selected for two year terms and three for four year terms. Thereafter similar elections shall be held biennially and for four year terms. The supervisors within two weeks following their election shall elect from their number a chairman and vice chairman. A secretary-treasurer shall be elected who may or may not be of their number. At this meeting the supervisors shall fix the number, time and place of regular meetings. Special meetings of supervisors may be on call of the chairman. The board of supervisors shall have the authority to fix salaries as provided above, to determine qualification standards for a drainage commissioner, secure and appoint such commissioner, to counsel and advise with the commissioner for the purpose of effecting the greatest good to the greatest number of land owners within the district and shall receive and record reports of progress from the commissioner. Any vacancies in the board of supervisors due to death, resignation or incapacity to serve shall be filled by appointment made by the county judge.

(6) The board of supervisors shall have the power and authority to equalize assessments of all lands of like classification for and only for, the purpose of providing funds to purchase machinery and equipment necessary in carrying out the work of the commissioner.

Sec. 2. Whereas, the economic development of Kentucky is being impeded due to lack of proper authority being vested in its drainage commissioners, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Head moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Harry K. Lowman
Sidney Baer	C. A. Hammons	True Mackey
Clarence J. Barnum	James P. Hanratty	Walter R. Moorman
C. E. Baumgardner	Paul E. Hayes	Fred H. Morgan
Leonard T. Bean	John A. Head	C. S. Nabb
John D. Beatty	Harold G. Helm	James H. Polsgrove
Fred Beshear	William K. Henry	George F. Harris
Charles J. Bronston	Woodrow W. Hollan	Leonard W. Preston
J. D. Buckman, Jr.	Chester J. Holsclaw	Hobart Rayburn
Mrs. M. E. Burnett	W. M. Horn	W. R. Reasor
Charles W. Burnley	Richard R. Houpt	Carl J. Ruh
Alex Calvert	Durham W. Howard	Amos Runyan
Stanley Carter	Silas Jacobs	Paul E. Shannon
Paul Combs	Paul S. Jonas	James S. Shaw
R. Josh Cosby	Barkley Jones	Gus Sheehan, Jr.
Owen Deering	William Jones	John M. Spaulding
G. I. Drury	Mrs. J. T. Linton	Raymond D. Stigall
Thomas R. Duncan	A. L. (Chick) Love	Mrs. Thelma Stovall

W. R. Stringer	Rev. T. H. Tinsley	Harry Lee Waterfield
Egbert V. Taylor	Ralph N. Walter	Lyle H. Webb
M. G. Thompson	Fred M. Warns	Charles W. Wirsch

—63

Those who voted in the negative were—

Homer E. Losey	Alton Mitchell	Roy Steers

—3

Resolved that the title thereof be as aforesaid.

Mr. Head moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 236. AN ACT repealing, and re-enacting Section 342.020 of the Kentucky Revised Statutes with reference to medical treatment at the expense of the employer.

S. B. No. 267. AN ACT relating to alcoholic beverage licenses.

S. B. No. 31. AN ACT relating to public school building funds, with particular reference to taxes for building fund purposes.

S. B. No. 62. AN ACT amending Subsection 2 of KRS 140.030, relating to inheritance taxes.

S. B. No. 252. AN ACT relating to the State Board of Health.

S. B. No. 176. AN ACT relating to Professional Nursing, including provision for licensing and regulation of the practice of professional nursing and the approval of Schools of Professional Nursing.

S. B. No. 154. AN ACT relating to contracts and agreements required to be in writing.

S. B. No. 277. AN ACT relating to a Constitution Review Commission.

S. B. No. 175. AN ACT relating to public printing.

S. B. No. 270. AN ACT relating to the judicial system of this Commonwealth; creating a judicial council and a judicial conference; defining their powers and duties; providing for the payment of expenses; making an appropriation; and repealing Sections 22.010, 22.020, 22.030 and 22.040 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature to the aforesaid bills, with the exception of Senate Bill No. 31, which was signed by Mr. Duncan, Speaker Pro Tem, who assumed the Chair at the direction of the Speaker and presided when said bill was before the House for signature.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 109. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of turnpike projects "declaring them to be limited access facilities; conferring powers and imposing duties upon the Department of Highways."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Turnpike Projects.*—In order to provide for the construction of modern express highways or superhighways embodying safety devices, including center division, ample shoulder widths, longsight distances, multiple lanes in each direction and grade separations at intersections with other highways and railroads, and thereby facilitate vehicular traffic, remove many of the present handicaps and hazards on the congested highways in the Commonwealth, and promote the agricultural and industrial development of the Commonwealth, the Department of Highways is hereby authorized and empowered to construct, maintain, repair and operate turnpike projects (as hereinafter defined), and to issue revenue bonds of the Commonwealth, payable solely from revenues, to finance such projects.

Section 2. *Credit of Commonwealth Not Pledged.*—Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any such political subdivison, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that the Commonwealth shall not be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal of or the interest on such bonds.

Section 3. *Definitions.*—As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Department" shall mean the Department of Highways or, if said Department shall be abolished, the department, board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Department shall be given by law.

(b) The word "project" or the words "turnpike project" shall mean any express highway or superhighway constructed under the provisions of this Act by the Department, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations, and administration, storage and other buildings and facilities which the Department may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the Department for the construction or the operation of such project.

(c) The word "cost" as applied to a turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, right-of-ways, property, rights, easements and interests acquired by the Department for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the Department, for one year after completion of construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation. Any obligation or expense hereafter incurred by the Department for traffic sur-

veys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to the Commonwealth out of the proceeds of turnpike revenue bonds hereinafter authorized.

(d) The words "public highways" shall include all public highways, roads and streets in the Commonwealth, whether maintained by the Commonwealth or by any county, city, town or other political subdivision.

(e) The word "bonds" or the words "turnpike revenue bonds" shall mean revenue bonds of the Commonwealth authorized under the provisions of this Act.

(f) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements and interests authorized to be acquired by this Act.

Section 4. *General Grant of Powers.*—The Department is hereby authorized and empowered:

(a) To construct, maintain, repair and operate turnpike projects at such locations within the Commonwealth as may be determined by the Department and approved by the Governor;

(b) To issue turnpike revenue bonds of the Commonwealth payable solely from the tolls and revenues pledged for their payment, for the purpose of paying the cost of any one or more turnpike projects, all as provided in this Act;

(c) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;

(d) To establish rules and regulations for the use of any turnpike project;

(e) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act, without reference to the State Property and Buildings Commission;

(f) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as the Department may determine to be necessary or desirable in the judgment of the Department to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(g) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;

(h) To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(i) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(j) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Section 5. *Acquisition of Property.*—The Department is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures,

property, rights, right-of-ways, franchises, easements and other interest in lands, including lands lying under water and riparian rights, which are located within the Commonwealth, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Commonwealth for the use and benefit of the Department.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Department is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, right-of-ways, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, copartnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth then applicable which relate to condemnation or to the exercise of the power of eminent domain by the Department. Title to any property acquired by the Department shall be taken in the name of the Commonwealth for the use and benefit of the Department. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Department and to the owners of the property to be condemned and may require an undertaking or other security

to secure such owners against any loss or damage by reason of the failure of the Department to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Department shall impose any liability upon the Commonwealth except as may be paid from the funds provided under the authority of this Act.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the Department may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above mentioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Public Service Commission of Kentucky whose

decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Public Service Commission as the case may be. A copy of the plans and specifications approved by the railroad or the Public Service Commission shall be filed as an exhibit with the petition for condemnation.

Section 6. *Incidental Powers.*—The Department shall have power to construct grade separations at intersections of any turnpike project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting and lines and grades of such highways shall be ascertained and paid by the Department as a part of the cost of such turnpike project.

If the Department shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Department shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Department as a part of the cost of such turnpike project.

Any public highway affected by the construction of any turnpike project may be vacated or relocated by the Department in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account

thereof shall be paid by the Department as a part of the cost of such project.

In addition to the foregoing powers the Department and its authorized agents and employes may enter upon any lands, waters and premises in the Commonwealth for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Department shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

The Department shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over or under any turnpike project. Whenever the Department shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under any turnpike project should be relocated in such turnpike project, or should be removed from such turnpike project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Department; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Department as a part of the cost of such turnpike project. In case any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such

facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations. No utility shall have the privilege of establishing its lines or properties within the right of way of a turnpike, except upon the conditions and terms prescribed by the Department; however, a utility shall be permitted to connect its lines with gasoline stations and other installations permitted to exist upon the right of way of the turnpike.

The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Department to be necessary for the construction or operation of any turnpike project.

Section 7. All turnpikes established under the provisions of this Act are declared to be limited access facilities, within the meaning and subject to the provisions of KRS 177.220 to KRS 177.310, and KRS 177.990. No right of access to a turnpike shall vest in the holder of adjacent or neighboring property by reason of the proposal to construct, or the construction and operation of, a turnpike. Nothing herein shall be construed to create any right of access in an owner near or adjacent to an entranceway to a turnpike, where such right did not already exist to an entranceway on a road or highway which has been incorporated into the turnpike.

Section 8. *Turnpike Revenue Bonds.*—The Department is hereby authorized to provide, at one time or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying all or any part of the cost of any one or more turnpike projects. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall

be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Department, and may be made redeemable before maturity, at the option of the Department, at such price or prices and under such terms and conditions as may be fixed by the Department prior to the issuance of the bonds. The Department shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places or payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the Commissioner of Highways, and the great seal of the Commonwealth or a facsimile thereof shall be affixed thereto and attested by the Secretary of State, and any coupons attached thereto shall bear the facsimile signature of said Commissioner of Highways. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Department may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Department may sell such bonds in such manner and for such price as it may determine will best effect the purposes of this Act.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike project or projects for which such bonds shall have been issued, and shall be dis-

bursed in such manner and under such restrictions, if any, as the Department may provide in the proceedings authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Department may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Department may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Section 9. *Trust Agreement.*—In the discretion of the Department any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Department and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the proceedings providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any turnpike project or any part thereof. Such trust agreement or proceedings providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper

and not in violation of law, including covenants setting forth the duties of the Department in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike project or projects in connection with which such bonds shall have been authorized, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Department. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or proceedings may contain such other provisions as the Department may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or proceedings may be treated as a part of the cost of the operation of the turnpike project or projects.

Section 10. *Revenues.*—The Department is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. A sufficient number of gasoline stations shall be authorized to be established in each service area along any such turnpike to permit reasonable competition by private business in the public interest.

Tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such turnpike project or projects unless such cost has been assumed by

the Department as provided herein, and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other department, commission, board, bureau or agency of the Commonwealth. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such proceedings or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Department shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Department, irrespective of whether such parties have notice thereof. Neither the proceedings nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Department. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the proceedings authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such proceedings or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Notwithstanding any of the foregoing provisions of this section, the Department may, in the proceedings authorizing the issuance of revenue bonds or revenue refunding bonds under the provisions of this Act or in the trust agreement securing such bonds, covenant to pay all or any part of the cost of maintaining, repairing and operating any project constructed under the pro-

visions of this act, and, inasmuch as such project will at all times belong to the Commonwealth, such covenant will have the force of contract between the Commonwealth and the holders of the revenue bonds or revenue refunding bonds issued on account of such project.

Section 11. *Trust Funds.*—All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The proceedings authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such proceedings or trust agreement may provide.

Section 12. *Remedies.*—Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust agreement or the proceedings authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or proceedings to be performed by the Department or by any officer or employes thereof, including the fixing, charging and collecting of tolls.

Section 13. *Exempted from Taxation.*—The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of turnpike projects by the Department will constitute the performance of essential governmental functions, the Department shall not be required to pay any taxes or assessments upon any turnpike project or any property acquired or used by the Department under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of

this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the Commonwealth.

Section 14. *Bonds Eligible for Investment.*—Bonds issued by the Department under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 15. *Miscellaneous.*—Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Department, which shall be reimbursed for the cost thereof unless it has previously assumed such cost as provided herein.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Department at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the

effectuation of the authorized purposes of the Department, including public roads and other real property already devoted to public use.

On or before the thirtieth day of January in each year the Department shall make an annual report of its activities for the preceding calendar year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Department shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits shall be deemed to be public records within the meaning of KRS 12.140.

No officer or employe of the Department shall have any interest, direct or indirect, in the sale or purchase of any bonds authorized by this Act. Violation of this provision shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 16. *Turnpike Revenue Refunding Bonds.*—The Department is hereby authorized to provide for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if Department shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the turnpike project or projects in connection with which the bonds to be refunded shall have been issued. The Department is further authorized to provide for the issuance of its turnpike revenue bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional turnpike project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders

thereof, and the rights, duties and obligations of the Department in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

Section 17. *Transfer to State Highway System.*—When all bonds issued under the provisions of this Act in connection with any turnpike project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair, shall become part of the state highway system and shall thereafter be maintained by the Department free of tolls; provided, however, that the Department may thereafter charge tolls for the use of any such project and pledge such tolls to the payment of bonds issued under the provisions of this Act in connection with another turnpike project or projects, but any such pledge of tolls of a turnpike project to the payment of bonds issued in connection with another project or projects shall not be effectual until the principal of and the interest on the bonds issued in connection with the first mentioned project shall have been paid or provision made for their payment. Finally, when all bonds and the interest thereon have been paid, any excess sum remaining on hand shall be credited to the State Road Fund.

Section 18. *Preliminary Expenses.*—The Department is hereby authorized in its discretion to expend such moneys as may be necessary for the study of any turnpike project or projects and to use its engineering and other forces and employ consulting engineers and traffic engineers for the purpose of effecting such study, and to pay for such additional engineering and traffic and other expert studies as it may deem expedient. All such expenses incurred by the Department prior to the issuance of turnpike revenue bonds under the provisions of this Act shall be paid by the Department and charged to the appropriate turnpike project or projects, and the Department shall keep proper records and accounts showing each amount to charged. Upon the sale of turnpike revenue bonds for any turnpike project or projects, the funds so expended by the Department in connection with such project or projects shall be reimbursed to the Department from

the proceeds of such bonds.

Section 19. *Additional Method.*—The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of turnpike revenue bonds or turnpike revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 20. *Act Liberally Construed.*—This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 21. *Inconsistent Laws Inapplicable.* All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Edw. O. Bridgers	Owen Deering
Sidney Baer	Charles J. Bronston	G. I. Drury
Clarence J. Barnum	J. D. Buckman, Jr.	Henry C. Hale
C. E. Baumgardner	Alex Calvert	James P. Hanratty
John D. Beatty	Paul Combs	Paul E. Hayes
Fred Beshear	R. Josh Cosby	John A. Head

William K. Henry	Fred H. Morgan	Forest Smith
Ray Holbrook	C. S. Nabb	Joseph T. Snapp
W. M. Horn	Dr. C. E. Palmore	John M. Spaulding
Richard R. Houpt	James H. Polsgrove	Mrs. Thelma Stovall
Robert N. Hubbard	Hobart Rayburn	W. R. Stringer
Silas Jacobs	W. R. Reasor	Egbert V. Taylor
Paul S. Jonas	Carl J. Ruh	M. G. Thompson
Barkley Jones	Amos Runyan	Rev. T. H. Tinsley
Mrs. J. T. Linton	Paul E. Shannon	Ralph N. Walter
Harry K. Lowman	James S. Shaw	Fred M. Warns
True Mackey	Gus Sheehan, Jr.	Morris Weintraub
Walter R. Moorman	Jesse H. Shelton	G. F. Williamson

—54

Those who voted in the negative were—

Bill Adams	R. C. Estepp, Sr.	Emmett G. Moore
Edgar Arnett	C. A. Hammons	Leonard W. Preston
Leonard T. Bean	Harold G. Helm	LeRoy Saylor
L. E. Bradley	Durham W. Howard	Roy Searcy
Thomas L. Britton	William Jones	J. Claude Stacy
Mrs. M. E. Burnett	James W. Lambert	Harry Lee Waterfield
Charles W. Burnley	John Martin	Lyle H. Webb
B. H. Crider	Jack McPherron	

—23

Mr. Polsgrove offered the following amendment to the title of said bill, viz:

Amend the title of Senate Bill No. 109 by adding thereto the following:

"This Act is to be known as the Montgomery - Keck-Beauchamp Super Highway Act."

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon, Messrs. Hayes and Hale offered the following resolution, viz:

H. Res. No. 82. A CONCURRENT RESOLUTION extending congratulations and felicitations to the citizens of Floyd County upon the celebration of the Floyd County sesquicentennial on behalf of the people of the Commonwealth of Kentucky by the 1950 General Assembly.

WHEREAS, The King of England did issue a charter on May 23rd, 1609, to colonize the territory comprising Virginia which included the now present Commonwealth of Kentucky; and

WHEREAS, the Grand Assembly of the Colony of Virginia in the year 1623 met and divided the new Colony into eight shires of James City, Henrico, Warwick, Warriors Oak, Charles City, Elizabeth City, Charles River and Acconniaok, and in

1720 Spotsylvania County was created, and out of which in the year

1734 the County of Orange was created, then in

1738 Augusta County was formed then in the year

1754 Governor Dinwiddie issued a Proclamation giving George Washington authority to survey 200,000 acres of land on the Big Sandy, Guyandotte, and Kanawha Rivers. This land included patents of John Frye for 2,084 acres and John Savage of 28,627 acres, a part of which were later in Floyd County, being lands purported to have been previously surveyed by George Washington; and

WHEREAS, most of the 200,000 acres proclaimed to be surveyed by George Washington was patented afterwards by the men of General Washington for bravery and valor for services at the battle of Great Meadows during the Revolution; and then in

1770 Bottetourte County was created, then in

1772 Fincastle County formed; on January 1st, in the year

1777 Kentucky, Washington and Montgomery Counties, Virginia were created from the County of Fincastle, which went out of existence, and Kentucky County (which included all of present day Kentucky), was divided to form in

1780 Fayette County from present Kentucky Boundary line on the east to the Kentucky River on the west, and in

1781 Bourbon County was made covering all of the territory from present state line on the east to the Licking River on the west (including what is now Bourbon County on the west), and in

1787 Mason County was formed out of said territory east of the Licking River, then in

1792 Kentucky became a Commonwealth or the 15th State of the United States of America, then in

1797 Montgomery County, Kentucky, was made from the lands including present Montgomery County, Kentucky, that portion of land on head waters of the Licking River. Then in the same year

1797 Fleming County was made including the present county and lands east of Licking River and Big Sandy lands to present West Virginia line, then

WHEREAS, on June 1st, 1800, the County of Floyd was formed from parts of Mason, Montgomery and Fleming Counties, which boundary on north and west were to Forks of Big Sandy at Louisa and east to what is now West Virginia line, including lands above mouth of Quick Sand Creek in the Kentucky River on the west, and

WHEREAS, Floyd County is the mother county of Pike, Johnson, Martin, Letcher, Magoffin and Perry, which counties were in their entirety created out of Floyd County, and

WHEREAS, parts of the counties of Lawrence, Clay, Carter, Elliott, Breathitt, Leslie and Harlan were formed from what was originally in Floyd County, and

WHEREAS, in the year 1769 Daniel Boone came to Kentucky with John Henderson and his men to explore and trade with the Indians, and a year later was founded by his brother Squire Boone on the waters of the Kentucky River, then in

1773 BE IT KNOWN, that Daniel Boone spent the winter in present Floyd County on the waters of Lick Forks of Middle Creek of the Big Sandy River, where he made salt while his companion went back to North Carolina for ammunition, and

WHEREAS, in the year 1796 John Graham came to what is now present day Floyd County and made the first John Preston Survey in Floyd County of 800 acres of land where Prestonsburg now County seat of Floyd County stands, which land was patented to John Graham. Thus the name "Prestonsburg" was given to the Floyd County seat in memory of John Preston, who made 162 surveys in said County. John Graham received patents on about one-half of the surveys and the rest being issued to various other persons.

WHEREAS, Floyd County was the hunting ground of the Indians and a refuge for the pioneers in the early days of our Commonwealth, who helped hue out the destiny of our great people, and the interesting Indian lore of the past includes the story of Jennie Wiley and her escape from the Indians in 1790 where she found an abode of safety in the Harmon Station in what is now Floyd County at the mouth of John's Creek on the Big Sandy River, and

WHEREAS, the endurance and endeavor of the pioneers of the past and the progressiveness of the present day citizenry developed one of the greatest industrial sections of our Commonwealth. Starting with the day of the canoe, horse back and steam boat transportation into the present day where railroads and improved highways and modern conveniences have made Floyd County with its timber and mineral deposits an industrial empire, and

WHEREAS, Floyd County has an illustrious history and has produced many famous sons active in State, National and

World affairs, including those who have participated in the defense of our great Nation, all of which reflects credit upon this great Commonwealth, and

WHEREAS, from July 1st to the 4th, inclusive, in this the year 1950, the citizens of Kentucky will at Prestonsburg celebrate the one-hundred-fiftieth anniversary of the existence of Floyd County, and

NOW, THEREFORE,

Be it resolved by the House of Representatives, the Senate concurring therein:

That the General Assembly of the Commonwealth of Kentucky does hereby extend congratulations; and on behalf of all the counties sends felicitations to the citizens of Floyd County on the occasion of their Sesquicentennial celebration.

That the Clerk of the House of Representatives be directed to forward a copy of this resolution to the Clerk of Floyd County.

That the Secretary of State, George Glenn Hatcher, a Floyd Countian, be requested to engross this resolution and deliver a copy of same to a committee composed of the Honorable Doug Hays, Paul E. Hayes and Henry C. Hale, and said committee is requested to make on behalf of the General Assembly of the Commonwealth of Kentucky a formal presentation of the engrossed resolution to the citizens of Floyd County on the date of the Floyd County Sesquicentennial Celebration.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 192. AN ACT relating to Teachers' Retirement, amending Section 161.610, KRS, providing an alternate plan of withdrawal after 30 years of service and providing for retirement irrespective of age.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.610 of the Kentucky Revised Statutes is amended to read as follows:

Subsection (1) Any person who has been a teacher in Kentucky for thirty years or more and who withdraws from teaching after June 12, 1940, and before reaching the age of sixty years may refuse to withdraw his deposits and continue to pay into the fund each year until the end of the fiscal year in which he reaches the age of sixty years the same amount that he was required to contribute during his last full year as a teacher. If he so elects he shall, at the end of the fiscal year in which he attains the age of sixty years and thereafter, be entitled to receive the same retirement allowance as a teacher who retires at the age of sixty years.

Subsection (2) Any member who has completed thirty years of service in Kentucky, which service is eligible for credit, and who withdraws from teaching subsequent to July 1, 1950, may refuse to withdraw his deposits and irrespective of age apply for a retirement allowance on July 1 of any scholastic year, but not later than the end of the year in which he attains his sixty-fifth birthday. Such a member shall notify the Board of Trustees in writing of his intention to withdraw under the provisions of this subsection and shall be deemed to have a vested interest in the Retirement Funds. The retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the Actuary of the System and approved by the Board of Trustees.

Mr. Searcy moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Woodrow W. Hollan	Carl J. Ruh
Edgar Arnett	W. M. Horn	Amos Runyan
Sidney Baer	Richard R. Houpt	Dr. Roy Sanders
Clarence J. Barnum	Durham W. Howard	LeRoy Saylor
C. E. Baumgardner	Robert N. Hubbard	Roy Searcy
Leonard T. Bean	Silas Jacobs	Paul E. Shannon
L. E. Bradley	Barkley Jones	James S. Shaw
Edw. O. Bridgers	William Jones	Gus Sheehan, Jr.
Charles J. Bronston	James W. Lambert	Jesse H. Shelton
J. D. Buckman, Jr.	Mrs. J. T. Linton	Forest Smith
Mrs. M. E. Burnett	Harry K. Lowman	Joseph T. Snapp
Charles W. Burnley	True Mackey	John M. Spaulding
Alex Calvert	Damon Majors	J. Claude Stacy
Paul Combs	John Martin	Raymond D. Stigall
R. Josh Cosby	G. Lee McClain	Mrs. Thelma Stovall
B. H. Crider	Jack McPherron	W. R. Stringer
Owen Deering	Alton Mitchell	Egbert V. Taylor
G. I. Drury	Emmett G. Moore	M. G. Thompson
Thomas R. Duncan	Walter R. Moorman	Rev. T. H. Tinsley
C. A. Hammons	Fred H. Morgan	Ralph N. Walter
James P. Hanratty	C. S. Nabb	Fred M. Warns
George F. Harris	James H. Polsgrove	Harry Lee Waterfield
Harold G. Helm	Leonard W. Preston	Lyle H. Webb
William K. Henry	Hobart Rayburn	Morris Weintraub
E. R. Hilton	W. R. Reasor	Charles W. Wirsch
Ray Holbrook		

—76

Resolved that the title thereof be as aforesaid.

Mr. Searcy moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 51. AN ACT relating to poultry and hatching eggs.

H. B. No. 53. AN ACT relating to the recordation of marriages, amending subsection (12) of Section 402.990 of the Kentucky Revised Statutes providing a penalty.

H. B. No. 201. AN ACT to constitute depository libraries and to provide that said libraries shall be supplied with copies of all reports, publication, and other public books and document reproduced and distributed at public expense by the departments, boards, commissions, officers or other agencies of the Commonwealth.

H. B. No. 263. AN ACT relating to the support of dependent wives, children and poor relatives within and without the state.

H. B. No. 274. AN ACT relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

H. B. No. 308. AN ACT relating to the Teachers' Retirement System.

H. B. No. 348. AN ACT relating to newspaper advertising required by law, amending section 424.030 of the Kentucky Revised Statutes.

H. B. No. 365. AN ACT relating to the examination of persons who are, or alleged to be, insane or feeble-minded.

H. B. No. 409. AN ACT to amend Section 339.230 of the Kentucky Revised Statutes relating to child labor.

H. B. No. 422. AN ACT to aid in the development and promotion of the purebred cattle industry in Kentucky.

H. B. No. 427. AN ACT relating to prosecuting attorney protem in cities of the first class; vacation for prosecuting attorneys.

H. B. No. 472. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1950, for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing of former appropriations against which such claims were chargeable.

H. B. No. 434. AN ACT relating to motor trucks, semi-trailer trucks, and to trailers operating with permits, establishing and regulating the maximum height, length, width, and weight thereof, and authorizing the Commissioner of Highways to designate classifications of highways for the purpose of regulating said maximum dimensions and weight.

H. B. No. 444. AN ACT to authorize communities of this Commonwealth to adopt plans and to undertake projects for the acquisition, clearance, preparation and sale and lease of land in slum or blighted areas for development or redevelopment.

H. B. No. 480. AN ACT relating to the acquisition of property by bill of sale or by deed by the Commonwealth.

H. B. No. 481. AN ACT relating to aviation, amending Section 183.772 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to

be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bills be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and resolutions which originated in this body of the following titles, viz:

H. B. No. 349. AN ACT relating to the practice of optometry, amending Section 311.010 and repealing Sections 431.140 to 311.240 of the Kentucky Revised Statutes, and creating new sections of the Kentucky Revised Statutes.

With an amendment to said bill as proposed and adopted by the Senate.

(For bill see H.J. of March 6, 1950, ante.)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz:

Strike all of sub-section 2 (a) of Section 1 on pages 1 and 2 of the printed bill beginning with line 5 on page 1 and ending with line 11 on page 2 and adding in lieu thereof the following:

"Practice of Optometry" means the examination of the human eye without the use of drugs, medicine or surgery to as-

certain the presence of defects or abnormal conditions that can be corrected by use of lenses, prisms or ocular exercises and their adaptation for the aid thereof and the correction or attempt to correct defects of the eye solely by the use of the above methods, provided, however, that the dispensing, fitting or adjusting of spectacles, eye glasses or other lenses or appurtenances for the correction of visual defects by any person, firm or corporation whose principal business is that of a dispensing optician shall not be deemed the practice of optometry within the meaning of this act so long as such dispensing, fitting or adjusting is done only on the prescription of, or under the supervision or direction of physicians or optometrists."

H. B. No. 368. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and providing for the construction and maintenance of the same by the Commonwealth, and for the regulation of traffic thereon, and for penalties for violation of such regulations, and amending KRS 177.043 and KRS 177.046.

With an amendment to said bill as proposed and adopted by the Senate.

(For bill see H.J. of March 7, 1950, ante)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz:

By adding a comma after the word "streets" and inserting the following words: "except in cities having a Department of Traffic Engineering or Traffic Bureau specifically provided for by statute."

H. B. No. 372. AN ACT relating to the jurisdiction of officers of the Department of Kentucky State Police.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see H.J. of March 3, 1950, ante)

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz:

Add after the word "highways" on page 2, line 15 of the printed bill the following:

"For the sole purpose of enforcing traffic regulations issued by the Commissioner of Highways; provided, however, no such authority shall be exercised on such highways in any city having a department of traffic engineering or traffic bureau specifically provided for by Statute."

H. Res. No. 14. A JOINT RESOLUTION authorizing Richard Blackwell of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

With an amendment to said resolution as proposed and adopted by the Senate.

(For resolution see H.J. of February 16, 1950, ante)

Said amendment to said resolution as proposed and adopted by the Senate is as follows, viz:

Insert therein between lines 8 and 9 on page 1 thereof, a new paragraph, to read as follows:

"Said suit shall be for a sum not in excess of $10,000.00."

H. Res. No. 15. A JOINT RESOLUTION authorizing Annie Blackwell of Lookout, Pike County, Kentucky, to sue the Commonwealth of Kentucky.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see H.J. of February 16, 1950, ante)

Said amendment to said resolution as proposed and adopted by the Senate is as follows, viz:

Insert therein between lines 8 and 9 on page 1 thereof, a new paragraph, to read as follows:

"Said suit shall be for a sum not in excess of $1471.00."

H. Res. No. 16. A JOINT RESOLUTION authorizing Buford Keeton of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

(For resolution see H.J. of February 16, 1950, ante)

Said amendment to said resolution as proposed and adopted by the Senate is as follows, viz:

By inserting therein a new paragraph beginning on the line following line 8 of Section 1 on page 1, said new paragraph to read as follows:

"Said suit shall be for a sum not in excess of ten thousand dollars ($10,000.00)."

H. Res. No. 46. A JOINT RESOLUTION authorizing J. E. Carter and Lena Carter, of Breckinridge County, to sue the Commonwealth of Kentucky.

With an amendment to said resolution as proposed and adopted by the Senate.

(For resolution see H.J. of March 14, 1950, ante)

Said amendment to said resolution as proposed and adopted by the Senate is as follows, viz:

Strike from page 1 on line 7 the figure "$25,000", and insert in lieu thereof the figure "$10,000".

The message which was received from the Senate also announced that they had refused to concur in an amendment as proposed and adopted by the House to a bill which originated in the Senate of the following title, viz:

S. B. No. 179. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which in-

cludes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing its powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

And respectfully requested the House to recede from said amendment to said bill as proposed and adopted by the House.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

H. B. No. 349. AN ACT relating to the practice of optometry, amending Section 311.010 and repealing Sections 311.140 to 311.240 of the Kentucky Revised Statutes, and creating new sections of the Kentucky Revised Statutes.

With an amendment to said bill as proposed and adopted by the Senate.

(For bill see H.J. of March 6, 1950, ante.)

(For amendment as proposed and adopted by the Senate see H. J. of today, ante)

Mr. Polsgrove moved that the House do now concur in said amendment to said bill as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said bill as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Chester J. Holsclaw	Amos Runyan
Clarence J. Barnum	W. M. Horn	Dr. Roy Sanders
Fred Beshear	Richard R. Houpt	LeRoy Saylor
Edw. O. Bridgers	Durham W. Howard	Roy Searcy
J. D. Buckman, Jr.	Silas Jacobs	Paul E. Shannon
Charles W. Burnley	Paul S. Jonas	James S. Shaw
Alex Calvert	Barkley Jones	Gus Sheehan, Jr.
Stanley Carter	William Jones	Jesse H. Shelton
Paul Combs	Mrs. J. T. Linton	Forest Smith
R. Josh Cosby	Homer E. Losey	Joseph T. Snapp
B. H. Crider	Harry K. Lowman	John M. Spaulding
G. I. Drury	True Mackey	J. Claude Stacy
Thomas R. Duncan	Damon Majors	Roy Steers
Henry C. Hale	G. Lee McClain	Raymond D. Stigall
C. A. Hammons	Jack McPherron	Mrs. Thelma Stovall
James P. Hanratty	Alton Mitchell	W. R. Stringer
George F. Harris	Walter R. Moorman	Ralph N. Walter
Paul E. Hayes	Fred H. Morgan	Fred M. Warns
John A. Head	C. S. Nabb	Harry Lee Waterfield
Harold G. Helm	Dr. C. E. Palmore	Lyle H. Webb
William K. Henry	James H. Polsgrove	Morris Weintraub
E. R. Hilton	Leonard W. Preston	G. F. Williamson
Ray Holbrook	W. R. Reasor	Charles W. Wirsch
W. W. Hollan	Carl J. Ruh	—71

There voted in the negative—

John D. Beatty —1

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

H. B. No. 368. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and providing for the construction and maintenance of the same by the Commonwealth, and for the regulation of traffic thereon, and for penalties for violation of such regulations, and amending KRS 177.043 and KRS 177.046.

With an amendment to said bill as proposed and adopted by the Senate.

(For bill see H.J. of March 7, 1950, ante)

(For amendment to said bill as proposed and adopted by the Senate see H.J. of today, ante)

Mr. Buckman moved that the House do now concur in said amendment to said bill as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said bill as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	William K. Henry	Hobart Rayburn
Edgar Arnett	E. R. Hilton	W. R. Reasor
Sidney Baer	Ray Holbrook	Carl J. Ruh
Clarence J. Barnum	Woodrow W. Hollan	Amos Runyan
C. E. Baumgardner	Chester J. Holsclaw	Dr. Roy Sanders
Leonard T. Bean	W. M. Horn	LeRoy Saylor
R. O. Blevins	Richard R. Houpt	Paul E. Shannon
Edw. O. Bridgers	Durham W. Howard	Gus Sheehan, Jr.
Charles J. Bronston	Silas Jacobs	Jesse H. Shelton
J. D. Buckman, Jr.	Paul S. Jonas	Forest Smith
Mrs. M. E. Burnett	Barkley Jones	Joseph T. Snapp
Charles W. Burnley	William Jones	John M. Spaulding
Alex Calvert	James W. Lambert	J. Claude Stacy
Stanley Carter	Homer E. Losey	Roy Steers
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
Owen Deering	True Mackey	Rev. T. H. Tinsley
G. I. Drury	Damon Majors	Ralph N. Walter
Thomas R. Duncan	G. Lee McClain	Fred M. Warns
James P. Hanratty	Jack McPherron	Lyle H. Webb
Paul E. Hayes	Fred H. Morgan	G. F. Williamson
John A. Head	C. S. Nabb	Charles W. Wirsch
Harold G. Helm	James H. Polsgrove	—68

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

H. B. No. 372. AN ACT relating to the jurisdiction of officers of the Department of Kentucky State Police.

With an amendment to said bill as proposed and adopted by the Senate.

(For bill see H.J. of March 3, 1950, ante)

(For amendment to said bill as proposed and adopted by the Senate see H.J. of today ante)

Mr. Hanratty moved that the House do now concur in said amendment to said bill as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said bill as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Archie R. Moore
Edgar Arnett	George F. Harris	Walter R. Moorman
Sidney Baer	Paul E. Hayes	Fred H. Morgan
Clarence J. Barnum	William K. Henry	C. S. Nabb
C. E. Baumgardner	Woodrow W. Hollan	W. R. Reasor
Leonard T. Bean	Chester J. Holsclaw	Amos Runyan
Fred Beshear	W. M. Horn	Dr. Roy Sanders
Edw. O. Bridgers	Richard R. Houpt	Jesse H. Shelton
Charles J. Bronston	Robert N. Hubbard	Joseph T. Snapp
J. D. Buckman, Jr.	Silas Jacobs	John M. Spaulding
Mrs. M. E. Burnett	Barkley Jones	J. Claude Stacy
Charles W. Burnley	William Jones	Raymond D. Stigall
Alex Calvert	Mrs. J. T. Linton	M. G. Thompson
Paul Combs	A. L. (Chick) Love	Rev. T. H. Tinsley
R. Josh Cosby	Harry K. Lowman	Fred M. Warns
Owen Deering	True Mackey	G. F. Williamson
G. I. Drury	Damon Majors	

—50

Those who voted in the negative were—

Bill Adams	Homer E. Losey	Roy Searcy
Stanley Carter	John Martin	Paul E. Shannon
B. H. Crider	G. Lee McClain	Gus Sheehan, Jr.
R. C. Estepp, Sr.	Jack McPherron	Forest Smith
C. A. Hammons	Alton Mitchell	Roy Steers
Harold G. Helm	Emmett G. Moore	Ralph N. Walter
E. R. Hilton	Dr. C. E. Palmore	Harry Lee Waterfield
Durham W. Howard	Leonard W. Preston	Lyle H. Webb
Paul S. Jonas	Carl J. Ruh	Morris Weintraub
James W. Lambert	LeRoy Saylor	Charles W. Wirsch

—30

Ordered that said bill be delivered to the Enrolling Clerk of this House.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 139. AN ACT relating to the penalty for common law offenses.

S. B. No. 127. AN ACT providing for trial commissioners, one of whom may serve as Judge Pro Tem, in Police Court of Cities of the first class, setting forth powers, duties and compensation.

S. B. No. 120. AN ACT establishing a Department of Traffic Engineering in cities of the first class.

S. B. No. 111. AN ACT to amend, revise and re-enact Section 25.490 of the Kentucky Revised Statutes relating to clerks and deputy clerks of the quarterly courts in counties of 250,000 or more population, salaries therefor, fidelity bonds therefor and disposition of fees.

S. B. No. 100. AN ACT relating to education.

S. B. No. 99. AN ACT relating to fire prevention and protection and declaring an emergency to exist.

S. B. No. 124. AN ACT relating to cities of the third class and amending subsection (6) of Section 92.150, Kentucky Revised Statutes, 1948 Edition.

S. B. No. 98. AN ACT repealing and re-enacting Section 93.300, Kentucky Revised Statutes, relating to the apportionment of the cost of elimination of grade crossings between the railroad companies and cities of the first class.

S. B. No. 284. AN ACT relating to compressed or liquefied gas.

S. B. No. 123. AN ACT relating to divorce and repealing, amending and reenacting KRS 403.020.

S. B. No. 174. AN ACT relating to parental and marital duties and obligations, with particular relation to desertion, abandonment or failure to provide maintenance or support for a child or wife, and the custody of children; amending KRS 435.240.

S. B. No. 143. AN ACT, relating to compensation and expenses of members of the Kentucky Board of Pharmacy and Secretary-Treasurer, amending Section 315.170 of the Kentucky Revised Statutes.

S. B. No. 69. AN ACT relating to telephone cooperative, nonprofit corporations, rural telephones and telephone services; and declaring an emergency.

S. B. No. 89. AN ACT relating to permits to engage in the practice of public accounting; amending Sections 325.330 and 325.340 of the Kentucky Revised Statutes.

S. B. No. 78. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

S. B. No. 255. AN ACT relating to the Disposal of Public Records.

S. B. No. 183. AN ACT relating to income taxation.

S. B. No. 126. AN ACT relating to public improvements and the financing thereof in cities other than those of the first class.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a resolution of the following title, viz:

H. Res. No. 16. A JOINT RESOLUTION authorizing Buford Keeton of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see H.J. of February 16, 1950, ante)

(For amendment to said resolution as proposed and adopted by the Senate see H.J. of today, ante)

Mr. Hanratty moved that the House do now concur in said amendment to said resolution as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said resolution as proposed and adopted by the Senate was concurred in.

Said resolution was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Ray Holbrook	W. R. Reasor
Sidney Baer	Woodrow W. Hollan	Carl J. Ruh
Clarence J. Barnum	Chester J. Holsclaw	Amos Runyan
C. E. Baumgardner	W. M. Horn	Dr. Roy Sanders
Leonard T. Bean	Richard R. Houpt	LeRoy Saylor
John D. Beatty	Durham W. Howard	Roy Searcy
Fred Beshear	Robert N. Hubbard	Paul E. Shannon
L. E. Bradley	Silas Jacobs	Gus Sheehan, Jr.
Charles J. Bronston	Barkley Jones	Jesse H. Shelton
J. D. Buckman, Jr.	William Jones	Forest Smith
Mrs. M. E. Burnett	Mrs. J. T. Linton	Joseph T. Snapp
Charles W. Burnley	Homer E. Losey	John M. Spaulding
Alex Calvert	Harry K. Lowman	Roy Steers
Stanley Carter	True Mackey	Raymond D. Stigall
R. Josh Cosby	Damon Majors	Mrs. Thelma Stovall
Owen Deering	G. Lee McClain	W. R. Stringer
G. I. Drury	Jack McPherron	M. G. Thompson
Thomas R. Duncan	Archie R. Moore	Rev. T. H. Tinsley
James P. Hanratty	Emmett G. Moore	Fred M. Warns
George F. Harris	Walter R. Moorman	Lyle H. Webb
Paul E. Hayes	Fred H. Morgan	G. F. Williamson
Harold G. Helm	C. S. Nabb	Charles W. Wirsch
William K. Henry		

—67

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a resolution of the following title, viz:

H. Res. No. 15. A JOINT RESOLUTION authorizing Annie Blackwell of Lookout, Pike County, Kentucky, to sue the Commonwealth of Kentucky.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see H.J. of February 16, 1950, ante)

(For amendment to said resolution as proposed and adopted by the Senate see H.J. of today, ante)

Mr. Hanratty moved that the House do now concur in said amendment to said resolution as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said resolution as proposed and adopted by the Senate was concurred in.

Said resolution was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Ray Holbrook	W. R. Reasor
Sidney Baer	Woodrow W. Hollan	Carl J. Ruh
Walter J. Bailey	Chester J. Holsclaw	Amos Runyan
Clarence J. Barnum	W. M. Horn	Dr. Roy Sanders
C. E. Baumgardner	Richard R. Houpt	LeRoy Saylor
Leonard T. Bean	Durham W. Howard	Roy Searcy
John D. Beatty	Robert N. Hubbard	Paul E. Shannon
Fred Beshear	Silas Jacobs	Gus Sheehan, Jr.
L. E. Bradley	Barkley Jones	Jesse H. Shelton
Charles J. Bronston	William Jones	Forest Smith
J. D. Buckman, Jr.	Mrs. J. T. Linton	Joseph T. Snapp
Mrs. M. E. Burnett	Homer E. Losey	John M. Spaulding
Charles W. Burnley	Harry K. Lowman	Roy Steers
Stanley Carter	True Mackey	Raymond D. Stigall
R. Josh Cosby	Damon Majors	Mrs. Thelma Stovall
Owen Deering	G. Lee McClain	W. R. Stringer
G. I. Drury	Jack McPherron	M. G. Thompson
Thomas R. Duncan	Emmett G. Moore	Rev. T. H. Tinsley
James P. Hanratty	Walter R. Moorman	Fred M. Warns
George F. Harris	Fred H. Morgan	Lyle H. Webb
Paul E. Hayes	C. S. Nabb	G. F. Williamson
Harold G. Helm	Dr. C. E. Palmore	Charles W. Wirsch
William K. Henry		

—67

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a resolution of the following title, viz:

H. Res. No. 14. A JOINT RESOLUTION authorizing Richard Blackwell of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see H.J. of February 15, 1950, ante)

(For amendment to said resolution as proposed and adopted by the Senate see H.J. of today, ante)

Mr. Hanratty moved that the House do now concur in said amendment to said resolution as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said resolution as proposed and adopted by the Senate was concurred in.

Said resolution was then passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Fred Beshear	Stanley Carter
Sidney Baer	L. E. Bradley	R. Josh Cosby
Clarence J. Barnum	Charles J. Bronston	Owen Deering
C. E. Baumgardner	J. D. Buckman, Jr.	G. I. Drury
Leonard T. Bean	Mrs. M. E. Burnett	Thomas R. Duncan
John D. Beatty	Charles W. Burnley	James P. Hanratty

George F. Harris	Harry K. Lowman	Paul E. Shannon
Paul E. Hayes	True Mackey	Gus Sheehan, Jr.
Harold G. Helm	Damon Majors	Jesse H. Shelton
William K. Henry	G. Lee McClain	Forest Smith
Ray Holbrook	Jack McPherron	Joseph T. Snapp
Woodrow W. Hollan	Emmett G. Moore	John M. Spaulding
Chester J. Holsclaw	Walter R. Moorman	Roy Steers
W. M. Horn	Fred H. Morgan	Raymond D. Stigall
Richard R. Houpt	C. S. Nabb	Mrs. Thelma Stovall
Durham W. Howard	Dr. C. E. Palmore	W. R. Stringer
Robert N. Hubbard	W. R. Reasor	M. G. Thompson
Silas Jacobs	Carl J. Ruh	Rev. T. H. Tinsley
Barkley Jones	Amos Runyan	Fred M. Warns
William Jones	Dr. Roy Sanders	Lyle H. Webb
Mrs. J. T. Linton	LeRoy Saylor	G. F. Williamson
Homer E. Losey	Roy Searcy	Charles W. Wirsch

—66

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a resolution of the following title, viz:

H. Res. No. 46. A JOINT RESOLUTION authorizing J. E. Carter and Lena Carter, of Breckinridge County, to sue the Commonwealth of Kentucky.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see H.J. of March 14, 1950, ante)

(For amendment to said resolution as proposed and adopted by the Senate see H.J. of today)

Mr. Hanratty moved that the House do now concur in said amendment to said resolution as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said resolution as proposed and adopted by the Senate was concurred in.

Said resolution was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Ray Holbrook	W. R. Reasor
Sidney Baer	Woodrow W. Hollan	Carl J. Ruh
Clarence J. Barnum	Chester J. Holsclaw	Amos Runyan
C. E. Baumgardner	W. M. Horn	Dr. Roy Sanders
Leonard H. Bean	Richard R. Houpt	LeRoy Saylor
John D. Beatty	Durham W. Howard	Roy Searcy
Fred Beshear	Robert N. Hubbard	Paul E. Shannon
L. E. Bradley	Silas Jacobs	Gus Sheehan, Jr.
Charles J. Bronston	Barkley Jones	Jesse H. Shelton
J. D. Buckman, Jr.	William Jones	Forest Smith
Mrs. M. E. Burnett	Mrs. J. T. Linton	Joseph T. Snapp
Charles W. Burnley	Homer E. Losey	John M. Spaulding
Alex Calvert	Harry K. Lowman	Roy Steers
Stanley Carter	True Mackey	Raymond D. Stigall
R. Josh Cosby	Damon Majors	Mrs. Thelma Stovall
Owen Deering	G. Lee McClain	W. R. Stringer
G. I. Drury	Jack McPherron	M. G. Thompson
Thomas R. Duncan	Emmett G. Moore	Rev. T. H. Tinsley
James P. Hanratty	Walter R. Moorman	Fred M. Warns
George F. Harris	Fred H. Morgan	Lyle H. Webb
Paul E. Hayes	C. S. Nabb	G. F. Williamson
Harold G. Helm	Dr. C. E. Palmore	Charles W. Wirsch
William K. Henry		

—67

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

S. B. No. 179. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing its

powers; creating a hospital council and prescribing its powers; providing minimum standard, enforcement procedures, penalties and appropriations.

With an amendment thereto as previously proposed and adopted by the House, and in which the Senate had refused to concur,

Which was reported from the Senate on today with the request that the House recede from said amendment as previously proposed and adopted by the House.

(For bill and amendment see H.J. of today, ante)

Said motion was agreed to.

Mr. Hanratty moved that debate on said bill be limited to fifteen minutes for the proponents and fifteen minutes for the opponents.

Said motion was agreed to.

Mr. Hanratty moved that the House do now recede from said amendment to said bill as previously proposed and adopted by the House.

The yeas and nays being required thereon by Mr. Morgan and Mr. Durham Howard were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	R. Josh Cosby	Dr. Roy Sanders
John D. Beatty	John A. Head	Jesse H. Shelton
Mrs. M. E. Burnett	Durham W. Howard	J. Claude Stacy
Alex Calvert	James H. Polsgrove	M. G. Thompson
Stanley Carter	Amos Runyan	—14

Those who voted in the negative were—

Bill Adams	Chester J. Holsclaw	Dr. C. E. Palmore
Edgar Arnett	Richard R. Houpt	Leonard W. Preston
Clarence J. Barnum	Robert N. Hubbard	W. R. Reasor
C. E. Baumgardner	Silas Jacobs	Carl J. Ruh
Leonard T. Bean	Paul S. Jonas	LeRoy Saylor
Fred Beshear	Barkley Jones	Roy Searcy
L. E. Bradley	William Jones	Paul E. Shannon
Edw. O. Bridgers	James W. Lambert	Forest Smith
Charles J. Bronston	Mrs. J. T. Linton	Joseph T. Snapp
Charles W. Burnley	Homer E. Losey	John M. Spaulding
B. H. Crider	A. L. (Chick) Love	Roy Steers
Owen Deering	Harry K. Lowman	Raymond D. Stigall
G. I. Drury	True Mackey	Mrs. Thelma Stovall
Thomas R. Duncan	Damon Majors	W. R. Stringer
R. C. Estepp, Sr.	John Martin	Ralph N. Walter
C. A. Hammons	G. Lee McClain	Fred M. Warns
George F. Harris	Jack McPherron	Harry Lee Waterfield
Harold G. Helm	Alton Mitchell	Lyle H. Webb
William K. Henry	Archie R. Moore	Morris Weintraub
E. R. Hilton	Emmett G. Moore	G. F. Williamson
Ray Holbrook	Walter R. Moorman	Charles W. Wirsch
Woodrow W. Hollan	Fred H. Morgan	—65

Thereupon said motion was disagreed to.

Ordered that the Chief Clerk report the action of the House to the Senate, notifying the Senate that a Committee on Conference will be appointed if the Senate so desires.

After a time, the Chief Clerk aforesaid reported that he had discharged the duty imposed upon him.

A message was received from the Senate announcing that they had passed a resolution which originated in this body of the following title, viz:

H. Res. No. 13. JOINT RESOLUTION authorizing Marlene Bartley, of Lookout, Pike County, by her guardian, to sue the Commonwealth of Kentucky.

With an amendment thereto as proposed and adopted by the Senate.

Said amendment to said resolution as proposed and adopted by the Senate is as follows, viz:

Insert therein between lines 8 and 9 on page 1 thereof, a new paragraph, to read as follows:

Said suit shall be for a sum not in excess of $10,000.00."

The message which was received from the Senate also announced that they had refused to concur in amendments as previously proposed and adopted by the House to a bill of the following title, viz:

S. B. No. 168. AN ACT proposing an amendment to the Constitution relating to the imposition of additional taxes for the purpose of enabling payment of a bonus to war veterans.

And respectfully requested the House to recede from said amendments to said bill as previously proposed and adopted by the House.

The message which was received from the Senate also announced that they had passed bills and resolutions which originated in this body of the following titles, viz:

H. B. No. 450. AN ACT relating to children.

H. B. No. 424. AN ACT relating to public assistance to needy aged, needy blind and needy children.

H. B. No. 445. AN ACT relating to adoptions.

H. B. No. 455. AN ACT relating to a program of in-service teacher training, and making an appropriation.

H. Res. No. 7. A JOINT RESOLUTION authorizing Mr. Cassius Stone, of Gradyville, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 9. A RESOLUTION appropriating from the General Fund the sum of One Hundred and Twenty-seven Dol-

lars and Fifty Cents ($127.50) to pay a claim for services rendered by F. J. Alsop of Hawesville, Kentucky, in making a survey of abandoned coal mines in Hancock County.

H. Res. No. 10. A JOINT RESOLUTION authorizing Johnie Hale of Prestonsburg, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 11. A JOINT RESOLUTION authorizing the payment of pauper idiot claims.

H. Res. No. 26. A RESOLUTION authorizing Philip Thompson to sue the Commonwealth of Kentucky.

H. Res. No. 32. A JOINT RESOLUTION authorizing and directing the payment of the sum of $1899.00 to C. B. Wilson, for salary due him and expenses incurred by him as deputy sheriff of Woodford County, Kentucky, and appropriating that sum from the State Treasury.

H. Res. No. 36. A RESOLUTION authorizing V. H. McDaniel of Franklin County, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 39. RESOLUTION providing for purchase and distribution of copies of the Directory, 1950 Edition.

H. Res. No. 43. A JOINT RESOLUTION authorizing Clayton Whitaker and Cora A. Whitaker, of Rockcastle County, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 49. JOINT RESOLUTION appropriating from the General Fund the sum of $49.50 to pay Hager Watson, Circuit Court Clerk of Magoffin County for services rendered.

H. Res. No. 52. A RESOLUTION authorizing the payment to the estate of Clarence Miller, deceased, of a claim of said Clarence Miller for expenses incurred as commissioner of finance of the Commonwealth of Kentucky, and appropriating the necessary sum to pay said claim out of the General Fund.

H. Res. No. 53. RESOLUTION authorizing John Clay Salyer, an infant, by his guardian Richmond Salyer to sue the Commonwealth of Kentucky.

H. Res. No. 54. A JOINT RESOLUTION authorizing and directing the payment of the sum of $273.00 to Elmine Watts for expenses incurred by him as sheriff of Knott County.

H. Res. No. 59. JOINT RESOLUTION authorizing John Hatton, guardian and father of John P. Hatton, an infant, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 61. JOINT RESOLUTION authorizing William Mudd to sue the Commonwealth of Kentucky and the Division of Game and Fish.

H. Res. No. 64. JOINT RESOLUTION authorizing George Jean Logan by his father to sue the Commonwealth of Kentucky and Highway Department, or either.

H. Res. No. 70. RESOLUTION authorizing the placing of a plaque on the desk of Mrs. J. Lee Moore, first woman Senator in Kentucky.

H. Res. No. 73. JOINT RESOLUTION appropriating the sum of $1,000.00 as additional contingent fund for the Clerk of the House and Clerk of the Senate.

Ordered that said last named bills and resolutions be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 213. AN ACT relating to the election and terms of members of boards of education.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) All elections for members of boards of education shall be in even numbered years, for a term of four years, except in independent districts embracing a city of the first class, members of the board of education elected in 1950 and thereafter shall be elected for terms of two years. Except as provided in subsection (3) of this section, the elections shall be held at the regular November election. In all county districts and in those independent districts embracing cities of the second or third class, two members shall be elected in 1942 and three in 1944. In independent districts embracing a city of the first class, three members shall be elected in 1950 and five in 1952. In all other school districts, three members shall be elected in 1942 and two in 1944.

(2) In each even numbered year thereafter, there shall be held an election in every county and independent district to fill the membership of the boards of education for the terms that will expire on the first Monday in January following, and the regularly elected members shall hold office for four years, except in independent districts embracing a city of the first class members elected in 1950 and thereafter shall hold office for two years, and until their successors are elected and have qualified.

(3) Any independent school district embracing a city of the fifth class may, at the discretion of its board of education, hold its election of board members at its public school building on the first Saturday in May. The election shall be held by three officers appointed by the board of education and the expenses of the election shall be paid from the treasury of the school district. In all other respects the provisions of this chapter relating to holding elections for board members shall apply.

Mr. Baer offered the following amendment to said bill by way of substitute therefor, viz:

AN ACT relating to the establishment of a retirement plan for noninstructional school employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The board of education of any independent school district embracing a city of the first class is hereby authorized and empowered to establish a retirement plan applicable to regular or full-time noninstructional employes when a majority of such employes shall file with the board a petition requesting the establishment of a retirement plan. The establishment of the plan may be effected by a resolution of the board spread upon the minutes reciting the filing of the petition and declaring the board's purpose thereby to establish and thereafter administer and operate such plan of retirement.

Mr. Preston raised the point of order by the amendment to said bill by way of substitute therefor was not germane to the subject matter contained in said bill.

The Speaker ruled the point of order as raised by Mr. Preston not well taken.

Mr. Baer moved that the House do now adopt said amendment to said bill by way of substitute therefor.

The yeas and nays being required thereon by Mr. Baer and Mr. Polsgrove were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Charles W. Burnley	George F. Harris
Sidney Baer	Alex Calvert	Paul E. Hayes
Clarence J. Barnum	Stanley Carter	John A. Head
C. E. Baumgardner	R. Josh Cosby	William K. Henry
John D. Beatty	B. H. Crider	Woodrow W. Hollan
Fred Beshear	Owen Deering	Chester J. Holsclaw
Edw. O. Bridgers	G. I. Drury	Richard R. Houpt
Charles J. Bronston	Thomas R. Duncan	Robert N. Hubbard
Mrs. M. E. Burnett	James P. Hanratty	Silas Jacobs

William Jones	W. R. Reasor	Raymond D. Stigall
James W. Lambert	Amos Runyan	Mrs. Thelma Stovall
Mrs. J. T. Linton	Dr. Roy Sanders	W. R. Stringer
Harry K. Lowman	LeRoy Saylor	M. G. Thompson
Jack McPherron	Gus Sheehan, Jr.	Rev. T. H. Tinsley
Archie R. Moore	Jesse H. Shelton	Fred M. Warns
Emmett G. Moore	Forest Smith	Morris Weintraub
Fred H. Morgan	Joseph T. Snapp	G. F. Williamson
C. S. Nabb	John M. Spaulding	Charles W. Wirsch
James H. Polsgrove		—55

Those who voted in the negative were—

Edgar Arnett	Leonard W. Preston	Roy Steers
C. A. Hammons	J. Claude Stacy	Harry Lee Waterfield
John Martin		—7

Said motion was agreed to, and

Thereupon, said amendment to said bill by way of substitute therefor was agreed to.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	John A. Head	Dr. C. E. Palmore
Sidney Baer	William K. Henry	James H. Polsgrove
Clarence J. Barnum	Ray Holbrook	W. R. Reasor
C. E. Baumgardner	Woodrow W. Hollan	Amos Runyan
John D. Beatty	Chester J. Holsclaw	Dr. Roy Sanders
Fred Beshear	W. M. Horn	LeRoy Saylor
Edw. O. Bridgers	Richard R. Houpt	Roy Searcy
Charles J. Bronston	Durham W. Howard	Forest Smith
Mrs. M. E. Burnett	Robert N. Hubbard	John M. Spaulding
Charles W. Burnley	Silas Jacobs	Raymond D. Stigall
Alex Calvert	Barkley Jones	Mrs. Thelma Stovall
Stanley Carter	William Jones	W. R. Stringer
R. Josh Cosby	Mrs. J. T. Linton	M. G. Thompson
Owen Deering	Harry K. Lowman	Rev. T. H. Tinsley
G. I. Drury	Jack McPherron	Fred M. Warns
Thomas R. Duncan	Archie R. Moore	Morris Weintraub
C. A. Hammons	Fred H. Morgan	G. F. Williamson
James P. Hanratty	C. S. Nabb	Charles W. Wirsch
George F. Harris		—56

There voted in the negative—

J. Claude Stacy —1

Mr. Baer moved that the House do now adopt the title of said amendment to said bill by way of substitute therefor as the title of said bill.

Said motion was agreed to.

Resolved that the title thereof be as amended.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had adopted a resolution which originated in the House of the following title, viz:

H. Res. No. 68. A JOINT RESOLUTION providing for a complete and thorough study and survey of Child Welfare in Kentucky including existing laws relating thereto with a view of preparing a proposed Children's Code to coordinate and revise existing laws and regulations and study needs for remedial legislation in order to provide Kentucky with an effective Children's Code.

The message which was received from the Senate also announced that they had passed a bill which originated in this body of the following title, viz:

H. B. No. 175. AN ACT relating to compensation of reporters for circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class, amending Section 28.450 of the Kentucky Revised Statutes.

With an amendment thereto by way of substitute therefor as proposed and adopted by the Senate.

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz:

AN ACT relating to persons performing services in connection with the taking, recording and transcribing of evidence or judicial proceedings; including provisions concerning the compensation of such persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 28.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each circuit judge may appoint an official stenographic reporter for his court or division, except that if his judicial district embraces more than one county, none of which contains a city of the second class, he shall appoint one official stenographic reporter for the district. The reporter shall be

skilled in the profession, and shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed as provided in KRS 28.490.

Sec. 2. Section 28.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Reporters for circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class, shall receive for their services in taking stenographic notes a salary to be fixed by the fiscal court and paid in monthly installments by the county.

(2) For making original transcripts reporters shall receive thirty cents per hundred words. In civil actions involving less than five hundred dollars they shall receive ten dollars per day for taking stenographic notes of said actions and thirty cents per one hundred words for the original transcript thereof, which shall be paid forthwith by the party in whose behalf the record or transcript is ordered, and same shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the court is held when the transcript is made upon motion of the Commonwealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county. In cases where the offense is a misdemeanor the party asking for the reporter's service shall pay for the same at the rate of ten dollars per day.

(3) For duplicate copies of transcripts, reporters for circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

Sec. 3. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) Reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall receive a salary to be fixed by the fiscal court, to be paid out of the county treasuries of the counties embraced in the districts in proportion to the number of days of courts provided for by law in each county. In addition to such salary, the reporter shall be entitled to the fees provided for in this section.

(2) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be fifteen dollars per day for taking shorthand notes, provided that no reporter shall charge more than $15 per day, and thirty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's attorney. If the taking or the transcript is requested upon the motion of the defendant, he shall pay for same if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the taking or for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report of transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(3) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

Sec. 4. Section 64.290 of the Kentucky Revised Statutes is amended to read as follows:

Notaries public, examiners or other officers authorized to take depositions may collect for the following services, the following fees:

(1) For taking depositions and certifying the same, not exceeding ten dollars per day where the taking consumes more than one session in any day; or where the deposition is being taken in some city other than the residence of the officer before whom the deposition is being taken, not exceeding $15.00 per day; and not exceeding $5.00 per day or per session where the taking does not consume more than one morning or one afternoon session, and is in the same city in which the officer taking the depositions resides.

(2) For making an original transcript, not exceeding thirty cents per one hundred words.

(3) For making a duplicate or carbon copy of a transcript, not exceeding fifteen cents per one hundred words.

(4) For issuing a subpoena or any other writ, or making a certificate, or for performing any other service, the same fee that is allowed to circuit court clerks for issuing similar writs, making certificates or performing other services.

Mr. Hanratty moved that the rules be suspended and the House take up for immediate consideration a resolution as follows, viz:

S. Res. No. 68. A CONCURRENT RESOLUTION providing for sine die adjournment of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and House of Representatives adjourn on March 17, 1950, they do adjourn sine die.

Which was reported from the Senate on March 14, 1950.

Said motion was agreed to.

Said resolution was adopted.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 12. A JOINT RESOLUTION authorizing Bruce Thomas Lykins to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Bruce Thomas Lykins is authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from injuries caused by the alleged negligence on the part of an employe of the Commonwealth of Kentucky while said employee was in line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $15,000.00.

The Attorney General of the Commowealth of Kentucky may investigate the alleged claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the state treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may apppeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the jury.

STATE OF KENTUCKY;
COUNTY OF BOYD.

SUBJECT: AFFIDAVIT OF BRUCE THOMAS LYKINS

The affiant, Bruce Thomas Lykins, being first duly sworn states that he is a resident of Ashland, Boyd County, Kentucky; that in the month of October, 1946 while he was lawfully a passenger in a Commonwealth of Kentucky Highway Patrol car driven by one John Johnson, then and there an employee of the Commonwealth of Kentucky, the said Johnson drove said patrol car in such a careless and negligent manner as to wreck the same and cause serious injuries to the affiant without any fault upon his part; that as a direct result of said negligence and accident the affiant has suffered and continues to suffer a concussion of the brain, broken left leg, frequent headaches and absentmindedness, inability to remember, permanent injury to the eyesight, inability to engage in heavy lifting or other physical labor, and continual pain and suffering; that all of the above was the fault and neglect of the Commonwealth of Kentucky and its employee without like or any fault on the part of the affiant.

Bruce Lykins

Bruce Thomas Lykins

Subscribed and sworn to before me by Bruce Thomas Lykins this March 15, 1948.

My commission expires: June 11, 1951.

SEAL.

Louise Maggard, Notary Public.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
James P. Hanratty	Jack McPherron	Fred M. Warns
George F. Harris	Archie R. Moore	Lyle H. Webb
C. A. Hammons	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 13. RESOLUTION authorizing the personal representative of Otha Martin, deceased, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

WHEREAS, on or about December 12, 1949, Otha Martin, then 47 years of age and able-bodied, of Warren County, Kentucky, while operating his motor vehicle along a public highway known as the Russellville Road, No. 68, in Warren County, Kentucky, was stopped by an employee of the Department of Highways along with other vehicles using said road, while said employee was acting in the line of duty, and notified by said employee that due to water over the road under the Railroad bridge crossing the Russellville Road, which for a number of years has occurred very frequently, that he would have to detour off of the Russellville Road and use railroad crossing south of the point where the road was under water, with said crossing being some two hundred feet south of point where water was over the road, and some two hundred feet from the Russellville Road; and

WHEREAS the said Otha Martin directed his motor vehicle off of the Russellville Road in line of traffic with other vehicles and followed the instructions of the employee of the Department of Highways, relying upon said employee that said ve-

hicles could safely cross the railroad at the point designated, and that notwithstanding the fact that said railroad crossing is a dangerous one wihch can only safely be used providing the necessary care is taken in directing vehicles at the point of crossing the railroad track; and

WHEREAS, the Commonwealth of Kentucky and the Department of Highways were careless and negligent, and through failure to provide the necessary safeguard to the said Otha Martin, the said Otha Martin was struck by the train at said crossing and as the sole, direct and proximate result of his injuries received at the time and place stated, died on or about December 12, 1949; and

WHEREAS, the said Otha Martin at the time of his injuries was earning some $1800.00 per year, and his said motor vehicle which was totally demolished was reasonably worth $850.00; and

WHEREAS, the injuries of the said Otha Martin, deceased, were caused and produced by the carelessness and negligence of the Department of Highways then and there acting through its agents and employees then and there in the performance of their duties as such, while the said Otha Martin was free of any negligence whatsoever contributed to or in any wise brought about his said injuries.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of the Estate of Otha Martin, deceased, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Circuit Court held in and for Warren County, in the State of Kentucky, this being the county of his residence and the county in which he was killed, and the county wherein his said death was the direct and proximate result of the carelessness and negligence of the Department of Highways then and there acting through its agents or employees.

SECTION 2. The said suit of the personal representative of Otha Martin, deceased, shall be for an amount not exceeding the sum of $20,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 15. A JOINT RESOLUTION authorizing Paul V. Wyatt of R.F.D. 2, Paris, Kentucky, to sue the Com-

monwealth of Kentucky, and the Department of Highways, either or both.

Said resolution is as follows, viz:

WHEREAS, it is alleged that on August 16, 1949, on U. S. Highway No. 460 in Montgomery County, Kentucky, while Paul V. Wyatt was operating his automobile in a careful manner on his right hand side of the road a 1942 International truck owned by the Commonwealth of Kentucky and driven by Paul Perry, then an employee of the Commonwealth of Kentucky and the Department of Highways, passed to its left or wrong side of the road and through the negligence of the driver, Paul Perry, was brought into collision with the automobile owned and driven by Paul V. Wyatt resulting in personal injuries, medical expenses and loss of time to Paul V. Wyatt and property damage to his automobile.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That Paul V. Wyatt of R.F.D. 2, Paris, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, either or both, in the Montgomery Circuit Court for personal injuries, medical expenses, loss of time and property damage resulting from the accident and collision caused by the alleged negligence on the part of the Commonwealth of Kentucky and the Department of Highways on the part of an employee thereof while acting in the line of duty.

(2) The suit shall be for a sum not in excess of fifteen thousand ($15,000) dollars.

(3) The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered by Paul V. Wyatt on this claim, either by suit or a settlement by the Attorney General, shall be paid out of the State Road Fund upon a warrant drawn by the Commissioner of Finance upon the State Treasurer.

(4) In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

(5) No statement of this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Edward O. Bridgers	Owen Deering
Clarence J. Barnum	Charles J. Bronston	G. I. Drury
C. E. Baumgardner	J. D. Buckman, Jr.	Thomas R. Duncan
Leonard T. Bean	Charles W. Burnley	C. A. Hammons
John D. Beatty	Alex Calvert	James P. Hanratty
Fred Beshear	R. Josh Cosby	George F. Harris

Paul E. Hayes	Mrs. J. T. Linton	Dr. Roy Sanders
John A. Head	Harry K. Lowman	LeRoy Saylor
Harold G. Helm	John Martin	Forest Smith
William K. Henry	Jack McPherron	John M. Spaulding
Ray Holbrook	Archie R. Moore	Raymond D. Stigall
W. W. Hollan	Emmett G. Moore	Mrs. Thelma Stovall
Chester J. Holsclaw	Walter R. Moorman	W. R. Stringer
W. M. Horn	Fred H. Morgan	M. G. Thompson
Richard R. Houpt	C. S. Nabb	Rev. T. H. Tinsley
Durham W. Howard	James H. Polsgrove	Fred M. Warns
Robert N. Hubbard	Leonard W. Preston	Lyle H. Webb
Silas Jacobs	W. R. Reasor	Geo. F. Williamson
Barkley Jones	Amos Runyan	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 20. RESOLUTION authorizing Esther Thomason to file suit against Board of Education of Grayson County, Ky.

Said resolution is as follows, viz:

WHEREAS, on December 5, 1947, Esther Thomason attended a public meeting at the school building at Clarkson, Kentucky, which building and grounds were owned by the Board of Education of Grayson County, Kentucky, and used for public school purposes, and on said occasion, and after dark, the said Esther Thomason fell into a deep hole on said school grounds, immediately back of said school building, and was injured

severely through the alleged carelessness and negligence of the Board of Education of Grayson County, Kentucky, in failing to maintain a light or guard-railing at said hole,

NOW, in order that said Esther Thomason may have the question of liability determined by judicial action for alleged negligence, carelessness, injury and damages;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Esther Thomason be and she is hereby authorized and permitted to sue the Board of Education of Grayson County, Kentucky, in the Grayson Circuit Court (Kentucky) for such damages, if any, she may have suffered or sustained by any wrongful injury by reason of falling into a hole on the public school grounds at Clarkson, Kentucky, which injuries are alleged to have resulted from the carelessness and negligence of the Board of Education of Grayson County, Kentucky;

That in any action so brought the Board of Education of Grayson County, Kentucky, shall not be permitted to plead or rely upon any statute of limitation provided the action is brought within six months after this resolution becomes effective;

That in the event said Thomason shall recover any judgment against the Board of Education of Grayson County, Kentucky, it may appeal as in other civil cases, or if she fails to recover judgment, she may appeal as in any other civil case;

That any suit so brought may be settled and adjusted by said parties, as in the manner of any other civil suit;

That the amount of any judgment or settlement shall be paid out of the public funds under the control of said Board of Education of Grayson County, Kentucky, upon its order.

2. Nothing contained in this resolution shall be considered by the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the resolution authorizing the suit shall not be considered as an admis-

sion of liability on the part of the Board of Education of Grayson County, Kentucky, or any of its agents or employees, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

The amount to be sued for under this resolution shall not exceed the sum of Three Thousand ($3,000.00) Dollars.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	J. D. Buckman, Jr.	James P. Hanratty
Clarence J. Barnum	Charles W. Burnley	George F. Harris
C. E. Baumgardner	Alex Calvert	Paul E. Hayes
Leonard T. Bean	R. Josh Cosby	John A. Head
John D. Beatty	Owen Deering	Harold G. Helm
Fred Beshear	G. I. Drury	William K. Henry
Edward O. Bridgers	Thomas R. Duncan	Ray Holbrook
Charles J. Bronston	C. A. Hammons	W. W. Hollan

Chester J. Holsclaw	Archie R. Moore	Forest Smith
W. M. Horn	Emmett G. Moore	John M. Spaulding
Richard R. Houpt	Walter R. Moorman	Raymond D. Stigall
Durham W. Howard	Fred H. Morgan	Mrs. Thelma Stovall
Robert N. Hubbard	C. S. Nabb	W. R. Stringer
Silas Jacobs	James H. Polsgrove	M. G. Thompson
Barkley Jones	Leonard W. Preston	Rev. T. H. Tinsley
Mrs. J. T. Linton	W. R. Reasor	Fred M. Warns
Harry K. Lowman	Amos Runyan	Lyle H. Webb
John Martin	Dr. Roy Sanders	Geo. F. Williamson
Jack McPherron	LeRoy Saylor	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 22. A JOINT RESOLUTION authorizing Clyde B. Smith of Topmost, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highway of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Clyde B. Smith, of Topmost, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways in the Knott Circuit Court for damages to real property caused by alleged negligence on the part of employes of the

Department of Highways and the Commonwealth of Kentucky, while said employes were acting in the line of duty.

The suit of the said Clyde B. Smith shall be for a sum not in excess of $3,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems is advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 21. RESOLUTION authorizing Pirtle Thomason to file suit against Board of Education at Grayson County, Ky.

Said resolution is as follows, viz:

WHEREAS, on December 5, 1947, Pirtle Thomason attended a public meeting at the school building at Clarkson, Kentucky, which building and grounds were owned by the Board of Education of Grayson County, Kentucky, and used for public school purposes, and on said occasion, and after dark, the said Pirtle Thomason fell into a deep hole on said school grounds, immediately back of said school building, and was injured severely through the alleged carelessness and negligence of the Board of Education of Grayson County, Kentucky, in failing to maintain a light or guard-railing at said hole,

NOW, in order that said Pirtle Thomason may have the question of liability determined by judicial action for alleged negligence, carelessness, injury and damages;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Pirtle Thomason be and he is hereby authorized and permitted to sue the Board of Education of Grayson County, Kentucky, in the Grayson Circuit Court (Kentucky) for such damages, if any, he may have suffered or sustained by any wrongful injury by reason of falling into a hole on the public school grounds at Clarkson, Kentucky, which injuries are alleged to have resulted from the carelessness and negligence of the Board of Education of Grayson, Kentucky;

That in any action so brought the Board of Education of Grayson County, Kentucky, shall not be permitted to plead or rely upon any statute of limitation provided the action is brought within six months after this resolution becomes effective;

That in the event said Thomason shall recover any judgment against the Board of Education of Grayson County, Kentucky, it may appeal as in other civil cases, or if he fails to recover judgment, he may appeal as in any other civil case;

That any suit so brought may be settled and adjusted by said parties as in the manner of any other civil suit;

That the amount of any judgment or settlement shall be paid out of the public funds under the control of said Board of Education of Grayson County, Kentucky, upon its order.

2. Nothing contained in this resolution shall be considered by the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the resolution authorizing the suit shall not be considered as an admission of liability on the part of the Board of Education of Grayson County, Kentucky, or any of its agents or employees, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

The amount to be sued for under this resolution shall not exceed the sum of Three Thousand ($3,000.00) Dollars.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title there be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 23. A JOINT RESOLUTION authorizing J. I. McClendon, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. I. McClendon, of Russell County, is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Russell Circuit Court, for damages to real property caused by alleged negligence on the part of employes of the Department of Highways and the Commonwealth of Kentucky, while said employes were in the line of duty.

The suit of the said J. I. McClendon shall be for a sum not in excess of $3,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 26. A JOINT RESOLUTION authorizing Walter Payne, of Knox County, to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Walter Payne of Knox County is authorized to sue the Department of Welfare and the Commonwealth of Kentucky, or either, in the Knox Circuit Court, for damages resulting from mental pain and anguish and from expenses incurred caused by alleged negligence on the part of employes of the Department of Welfare and the Commonwealth of Kentucky while said employes were acting in the line of duity as such employes, the alleged negligence growing out of and connected with the death of the daughter of Walter Payne.

Said suit shall be for a sum not in excess of four thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems

it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No pleas of limitations shall be interposed.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

STATE OF KENTUCKY.
COUNTY OF KNOX.

The affiant, Walter Payne, being first duly sworn by me deposes and states as follows;

My name is Walter Payne, I am nearly 58 years of age, and live and reside near Barbourville, Knox County, Kentucky, and I am a farmer and coal miner by trade or profession.

I further state that I am the father of Ethel Payne, who was sent to the Insane Asylum, from Barbourville, Kentucky, on the 20th day of December 1937, and she was sent from Barbourville, Kentucky, and at first she was sent to the Asylum at Lexington, Kentucky, and remained at that place until the 24th day of January 1947, when she was transferred to the Asylum at Danville, Ky. on the 24th day of January 1947, and was found dead in her bed on the 25th day of January 1947.

I further state that at the time my daughter was sent away to the Asylum at Lexington, Ky, that I as father of the daughter did not know that she was going to be sent away until she had been tried and sent, as she was at the time staying with my sister, Lula Nelson and her husband, Roy Nelson, and the record went to show that in case of serious illness or death to notify

Roy Nelson, but I as the father of said girl, Ethel Payne, when I learned this I made a Special Trip to the Asylum at Lexington, Ky., and had a talk with the Doctor F. K. Foley, and told him that I was the father of the child and that I wanted to know and keep in touch with her and he made a note as I recall and advised me that in case of serious illness or death that he would notify me of said sickness or death, and he did write and correspond with me from time to time and in that way I was at all times apprised of the condition of my said daughter.

But, I state that as is set out herein, she was found dead in her bed on January 25th, 1947, and the first news that I had of her death was on as I recall, from or about the 2nd day of February 1947, when a man by the name of Reverend Ed Cox, came night to my home here near Barbourville, Kentucky, and he told me, that he had made and awful mistake and said that he I am very sorry but we received the body of your dead daughter and we have burried her and I preached the funeral and I would like for you to let her rest in our cemetery at our expense and I told him that I would not promise him anything, at this time and he also said that the Asylum at Danville, Ky. pushed this body off on us, and we thought that we was receiving our sister-in-law and then after we had burried her and all was over we got to studying and thinking that there was a mistake and we went back to the asylum at Danville and found our sister-in-law there and she recognized us. I then went the next day of Homer Payne's home at Crummies Creek, in Harlan County, Ky. and he told me that he had learned that they had burried the wrong body and he asked me if I would pay the funeral bill which was about $300, and I told him I would not. I came back home then and I went in a few days to the Asylum at Lexington, Kentucky and I had a talk with the head nurse and I learned that my daughter Ethel Payne was in good health when they moved her from Lexington, Ky. to Danville, Ky. except her mine. Then I came back there to the Attorney General's Office at Frankfort, Ky. and had a talk with them and they did not give me very much satisfaction and but sent me to the Welfare Department and I talked to them and they did not give me any information, so I then next went to the Asylum at Danville, Ky., and they owned up to me that they had sent my daughter away to some other

people and then I cam back and got the Undertaker and spent one day, trying to locate the grave in Laurel County, out in a country cemetery, and late in the afternoon we located it, and then the next day, I came back and took with me, myself, the undertaker, Fred Schwartz, Charlie Payne, Zeke Payne, Clinton Mills and John Yeager and Grant Mills, and we worked about all day in getting that body out to the highway so that she might be brought home.

I state further that it was an awful job, when we got down to the body or the casket box, the water was one more sight in the grave. I got down in the grave held up the head of the casket and had and had to hold it two or three minutes in order to let the water drain out of the casket box, then we got the casket out of the box after so long a time, and when this was done, then I took a large long gree ple and prized the casket box up and it was so wet that it would not hold together, but then we finally got it so that it would hold together and we put the casket in it and put this in a country wagon drawn by two horses, maybe a mule and horse and hauled this over to the highway, when we got there the undertaker with the hurst, met us and took the casket out of the box, wrapped it up in a tarpolin and put it in the hurst and we threw the casket box away. We brought the body on home or to the funeral home of Martin & Swartz, and there they cleaned the casket the outside as best they could, and did not open the casket, as they brought this casket home the undertaker had to strap it together in order to get it to hold together, and the body was buried near our home on the ——— day of February 1947.

I say that this was an awful thing for me as father and my wife and folks to have to go through with, and I say that I had a contract with the State to notify me of this and they did not, and I consider that a contract, and then the mental pain and anguish that I suffered, all told in the sum of $3500.00 and then

the extra expense I had to be out and time around $500, not exceeding the sum of $4000.00 no part of which has been paid, and I feel that I should be paid by the State for this contract being breached and mental pain and suffering and also the expense as above set out, all not to exceed the sum of $4000.

Witness Signature
J B Campbell Barbrville Ky.

his
Walter X Payne
mark

Subscribed and sworn to before me by Walter Payne, this the 24th day of January 1950.

By Birchel Mae Pope, Notary Public
My Commission expires March 28,.1951.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Commitee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 24. A JOINT RESOLUTION authorizing Arthur Garner, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Arthur Garner, of Russell County, Kentucky, is authorized to sue the Commonwealth of Kentucky, and the Department of Highways of Kentucky, or either, in the Russell Circuit Court for damages to real property caused by alleged negligence on the part of employes of the Department of Highways and the Commonwealth of Kentucky, while said employes were in the line of duty.

The suit of the said Arthur Garner shall be for a sum not in excess of $1,600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	W. W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

There voted in the negative—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 31. RESOLUTION authorizing Acree Austin of Mayfield, Graves County, Kentucky to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on April 10, 1948, the County Judge of Graves County, Kentucky, issued thirty-six (36) warrants charging thirty-six individual persons with the crime of "Feloniously banding together to disturb and injure persons whose names are unknown," said charge under the Statutes of Kentucky at said time being a felony and,

WHEREAS, all of said defendants on April 23, 1948 waived their rights to an examining trial in the Graves Quarterly Court and said Court held each of said defendants to await the action of the Grand Jury of Graves County, Kentucky; and,

WHEREAS, at the November 1948 term of the Graves Circuit Court and on the 16th day of November, 1948, the Grand Jury of Graves County indicted all thirty-six of said persons, charging them in the indictment with the crime of "Feloniously banding together to disturb and injure persons whose names are unknown to this Grand Jury," said charge being a felony; and,

WHEREAS, the Legislature of the Commonwealth of Kentucky on June 17th, 1948 repealed the Statute making said crime a felony and reduced the punishment thereof so as to make said offense a misdemeanor; and,

WHEREAS, on November 17th, 1948, in the Graves Circuit Court, the Commonwealths Attorney of the First Judicial District ordered Acree Austin, Clerk of the Graves Circuit Court, to issue bench warrants for each of said defendants; and,

WHEREAS, the said Acree Austin, as Circuit Court Clerk, issued said bench warrants and all of said defendants made bond thereon; and,

WHEREAS, said case was continued from term to term of said Court until December 15th, 1949, when each of said indictments were ordered dismissed at the instance of Pet Milk Company for want of proof and signed by F. B. Martin, Commonwealths Attorney; and,

WHEREAS, the said Acree Austin, as Clerk of the Graves Circuit Court, made demand upon the Commonwealth of Kentucky to the Department of Finance for his fees of $5.00 on each of said thirty-six defendants indicted, or a total of $180.00, same being the fee in felony cases allowed him by law, which claim was properly verified, presented and approved by the Graves Circuit Court; and,

WHEREAS, said Department of Finance of the Commonwealth of Kentucky, refused payment of said claim for the reason that the Legislature had reduced the penalty for the acts of said defendants during the pendency of said charge, and a legal controversy has arisen between the said Acree Austin, as Clerk of the Graves Circuit Court, and the Department of Finance of the Commonwealth of Kentucky; Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I. That Acree Austin, Clerk of the Graves Circuit Court, be, and hereby he is, authorized, permitted and empowered to sue the Commonwealth of Kentucky, in the sum of $180.00 upon said claim.

Section II. That the action herein authorized and permitted may be brought in the Graves Circuit Court of Graves

County, Kentucky, same being the Circuit Court having jurisdiction and where said indictments were pending. Said suit shall be commenced within one year from the effective date of this resolution.

Section III. That any party to said action shall have the same rights and privileges as in any other civil suit and the same may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Auditor of Public Accounts or other proper officer or agent of the Commonwealth of Kentucky by warrant drawn on the State Treasurer and paid out of the General Fund.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 42. A JOINT RESOLUTION authorizing Ray H. Tuggey, Mrs. Maude B. Tuggey, Mrs. Blanche B. Mills and Carl J. Baird to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, Ray H. Tuggey, Mrs. Maude B. Tuggey, Mrs. Blanche B. Mills and Carl J. Baird claim that on or about May 24, 1949 at a point about six (6) miles from Williamsburg, Kentucky on U. S. Highway No. 25-W, a truck owned by the Department of Highway of the Commonwealth of Kentucky, which was at the time being driven and operated by an employee of said Department, collided with an automobile in which said parties were then riding, and,

WHEREAS, those parties claim that said collision was the direct and proximate result of carelessness and negligence on the part of the driver of said truck, an employee of the Department of Highways of the Commonwealth of Kentucky; and, that at the time of the said collision, the driver of said truck was in the line of his duty as such an employee, and,

WHEREAS, said Ray H. Tuggey, Mrs. Maude Tuggey, Mrs. Blanche B. Mills and Carl J. Baird and each of them claim to have sustained severe injuries and damages as the direct and proximate result of said accident and of the negligence and carelessness of the driver of said truck,

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) Ray H. Tuggey, Mrs. Maude B. Tuggey, Mrs. Blanche B. Mills and Mr. Carl J. Baird and each of them hereby are authorized to sue the Commonwealth of Kentucky in the Franklin Circuit Court for damages resulting from personal injuries and property damage, either or both, caused by the alleged negligence on the part of the employee of the Department of Highways of the Commonwealth of Kentucky while said employee was in the line of his duty as such employee. The limit of liability shall be $10,000 for each of the persons herein above named.

The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein

and settle such claims or either of them before or after suit is filed if he deems it advisable. Any amount or amounts recovered in said suit or suits, by judgment or agreed upon in settlement by the Attorney General, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event said parties or either of them file suit or suits and a judgment or judgments are rendered in such suit or suits, either party or parties may appeal to the Court of Appeals of Kentucky as in other civil cases.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 34. A JOINT RESOLUTION authorizing Ruth Wilson, Owsley County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Ruth Wilson, Owsley County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Owsley Circuit Court for property damage caused by alleged negligence on the part of the employes of the Department of Highways in the construction of State Highway No. 11.

Said suit shall be for a sum not in excess of $2,000.

The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 39. RESOLUTION authorizing Beeler Ringo to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Said resolution is as follows, viz:

WHEREAS, on or about the 30th day of July, 1947, Beeler Ringo of Hickman County, Kentucky was then and there operating his automobile of which he was the owner, upon State Highway No. 51 in Fulton County, Kentucky, about two miles North of the City of Fulton at the over pass of U. S. Highway No. 51 and Illinois Central Railroad; and,

WHEREAS at said time and place a tar vat or piece of equipment used in repairs and maintenance of highways of the Commonwealth of Kentucky which was being used by the Commonwealth of Kentucky, its agents and employees in and about the business of the Department of Highways in repairs and maintenance of its highways without suitable and proper notification or warning signs and in such a careless and negligent manner as to cause Beeler Ringo to run against the same and upon the same with his automobile; and

WHEREAS as a direct and proximate result of said alleged negligence and carelessness on the part of the operators and the employees of the Department of Highways and the Commonwealth of Kentucky in the use of said equipment in repair of said highway at said time and place the said Beeler Ringo received severe wounds and injuries to his person and he is permanently injured and his power to earn money has been permanently re-

duced and he incurred considerable expense incident to the treatment of his injuries and his automobile was injured and damaged;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I. That Beeler Ringo be and is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both of them, in such sum as will fairly and reasonably compensate him for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the operators of the said tar vat or piece of equipment used in repair of said highways at said time and place, not exceeding, however, the sum of $5000.00 for personal injuries and the sum of $700.00 for property damage.

Section II. That the action herein authorized and permitted may be brought in the Fulton Circuit Court, same being the Circuit Court having jurisdiction in Fulton County, Kentucky, and being the county in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitation shall be interposed if commenced within that time.

Section III. That any party to said action may appeal from any judgment which may be rendered by the Fulton Circuit Court to the Court of Appeals of Kentucky as in any other civil suit, and the same may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Auditor of Public Accounts or other proper officer or agent of the Commonwealth of Kentucky by warrant drawn on the State Treasurer and paid out of the General Fund.

AFFIDAVIT and support of resolution authorizing Beeler Ringo to sue the Commonwealth of Kentucky and Department of Highways either or both

The affiant, Beeler Ringo, says that he is white, age 69, home address, Clinton, Kentucky, and that on Wednesday, July 30, 1947 at approximately 3:00 P. M. on U. S. Highway 51 about four miles north of Fulton, Kentucky and just North of the overhead bridge he was driving his own vehicle accompanied by Mr. Gus Bran of Clinton, Kentucky. The affiant says that at said point the construction of the highway is two-lane concrete approximately 18 feet wide, running in approximate North and South direction. The road makes a slight right hand curve and is uphill for south bound traffic. The weather was clear, road dry and pavement good. The affiant was driving at about 40 miles an hour south on Highway 51. As he approached the point of the accident he noticed smoke crossing the highway from his right to left. He did not see any signs or warning nor were there any workman or flagman present. Because of the density of smoke he slowed his car to 20 or 25 miles per hour and pulled his car as near right as possible. The affiant says that he drove his car approximately 150 feet through the smoke until he saw a large black kettle heater in the center of highway lane directly in front of him at about 12 feet distance and attached to the rear of a state highway truck and which had stopped on the pavement south in the center of south bound traffic lane. The affiant says that he was too close to avoid striking the rear of the kettle heater and his car traveling at about 25 miles per hour stopped with the impact against the kettle heater.

The affiant says that there was no flagmen out but that he later discovered a metal sign about two feet square placed on the ground two feet from the west edge of the pavement which had previously been hidden by reason of the smoke. The affiant says that his automobile, a 1940 Ford tudor sedan, was extensively damaged in the front end and right front side and that it required $700.00 to restore it to its former condition.

The affiant says that he sustained a fracture of five ribs as well as bruises and abrasions about the head and body and he

sustained a sprained right knee which incapacitated him for about six months.

Witness my hand this 16th day of February, 1950.

Beeler Ringo

Subscribed and sworn to before me by Beeler Ringo this 16th day of February, 1950.

H. W. Roberts, Jr.
Notary Public.

My commission expires 1-14-54.

Mr. Hanratty moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edw. O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 46. RESOLUTION authorizing the personal representative of Augustus Mainous, Grant Judd, and William Flannery, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either of them.

Said resolution is as follows, viz:

WHEREAS, the three deceased persons whose names are as follows, Augustus Mainous, Grant Judd, and William Flannery, were passengers in a passenger automobile on the public highway between Beattyville and Booneville, Kentucky, and near the line of same, were each and all killed at the same time by and through the negligence and carelessness of the Commonwealth of Kentucky and the Department of Highways and each of them, consisting of failing to properly protect passengers on said road then and there under the supervision, control, construction and repair of the Commonwealth of Kentucky and said Highway Department, and that the said deceased passengers in said automobile while on said highway in going from Beattyville to Booneville, Kentucky, were misled by and through the carelessness of the defendants in failing to place "Men Working" signs on said highway to apprise travellers thereon that obstructions on the said highway would probably cause them injury or death, and that the said Highway Department and its employees, agents and representatives had negligently left and abandoned a large truck in the middle of said highway with no warning or "Men Working" signs on either side of said truck, and when it was not necessary for said truck to be in said position at the time for any construction or any work on said highway, and by and because of the facts above set out, and the fact that the place where said persons were killed was over a hill and on a curve, the car in which the three deceased persons were riding was caused to overturn being forced off the highway and struck by said truck that the passenger automobile in which they were riding was caused to turn over and skid and killed all three of the said deceased persons at one time, and that the death of each one was the direct and proximate result of the carelessness and negligence of the Commonwealth of Kentucky and Department of Highways therein and its employees, agents and servants then and there acting in behalf of said defendants.

Section 2. That said suit of the personal representatives of each of the deceaseds shall be for the sum of $10,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Ken-

tucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

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Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 48. A JOINT RESOLUTION authorizing Sam Hensley to sue the Commonwealth of Kentucky, the Department of State Police, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That said Sam Hensley is authorized to sue the Commonwealth of Kentucky, the Department of State Police, or either in the Clay Circuit Court for damages resulting from personal injuries caused by the negligence on the part of employes of the Commonwealth of Kentucky, and the Department of State Police, while said employes were acting in the line of duty.

Said suit shall be for a sum not in excess of $10,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 47. A RESOLUTION electing on behalf of the Department of Conservation, the Division of Forestry and of the Commonwealth of Kentucky to operate under the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders was concerned.

Said resolution is as follows, viz:

WHEREAS, on June 23, 1948, and for a long time prior thereto, Luther E. Sowders was an employee of the Division of Forestry in the Department of Conservation of the Commonwealth of Kentucky, and was assigned as a guard and as a part of his duties he was required to drive a motor vehicle known as a Dodge Weapon Carrier, license No. T8-701, and

WHEREAS, on or about June 23, 1948, while the said Luther E. Sowders was on duty in the regular course of his employment, the motor vehicle which he was driving, and which was not in a good state of repair, left the highway at a point about two miles west of the Ranger's Headquarters, skidded and turned over against a pine tree crushing the roof of the wooden cab so that Luther E. Sowders, the driver, was fatally injured and as the direct and approximate result of said injuries he died on or about the 29th day of June, 1948, and,

WHEREAS, said Luther E. Sowders at the time of and prior to said accident had been in good health, free of any maladies or disabilities, and had been regularly employed, and,

WHEREAS, there was left surviving him his widow, Sally Sowders, and four infant children, namely, Edward S. Sowders, now six years of age; Betty J. Sowders, now four years of age; Arthur Lee Sowders, now three years of age, and Bobby Sowders, now two years of age, and each of whom are dependent upon their mother for support, maintenance, and education, and,

WHEREAS, the widow, Sally Sowders, devoted her full time during her marriage to Luther E. Sowders to managing their home and looking after and caring for their children and did not accept employment of any kind and did not undertake to train herself for any type of gainful employment and is now without means of adequately or at all supporting her children or herself, and,

WHEREAS, Luther E. Sowders was unable to and did not accumulate any substantial estate during his lifetime, and,

WHEREAS, Sally Sowders lost, her husband and her four infant children lost their father as a result of the accidental injuries sustained by him which arose out of and in the course of his employment by the Division of Forestry, Department of Conservation of the Commonwealth of Kentucky, and,

WHEREAS, many of the departments and agencies of the Commonwealth of Kentucky and their employees have operated and are now operating under the provisions of the Workmen's Compensation Act, and,

WHEREAS, the Division of Forestry, the Department of Conservation, and the Commonwealth of Kentucky have a moral obligation to compensate the widow of the decedent and her infant children by reason of the death of Luther E. Sowders,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Conservation, the Division of Forestry, and the Commonwealth of Kentucky hereby elect to accept and avail themselves of the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders is and was concerned, and the Workmen's Compensation Board hereby is authorized and directed to permit Sally Sowders to file a claim for compensation with said Board within twelve months from the effective date of this Resolution.

Section 2. The Workmen's Compensation Board hereby is authorized and directed to conduct a hearing and to ascertain whether Luther E. Sowders was an employee of the Division of Forestry, Department of Conservation, and of the Commonwealth of Kentucky at the time he sustained the accidental injuries which resulted in his death, and whether he sustained such injuries as the result of an accident arising out of and in the course of his employment and whether he died as a result of such injuries. If the Workmen's Compensation Board as a result of such hearing determines that Luther E. Sowders was employed by the Division of Forestry, Department of Conservation of the Commonwealth of Kentucky, and that he sustained injuries from an accident arising out of and in the course of his employment, and that as a result thereof he died, the Board is authorized and directed to award to his widow, Sally Sowders, the compensation to which she is entitled under the present provisions of the Workmen's Compensation Act.

Section 3. Should the Workmen's Compensation Board determine that it is for the best interest of either party, it may order that the compensation awarded to Sally Sowders be paid in a lump sum. The order of the Workmen's Compensation Board awarding compensation to Sally Sowders shall be certified by said Board to the Commissioner of Finance who hereby is authorized and directed to draw his warrant or warrants in payment thereof upon the State Treasurer, and the same shall be paid out of the General Fund or out of any other funds in the State Treasury not otherwise appropriated.

Mr. Hanratty moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as

to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolu-

tion was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 64. A JOINT RESOLUTION authorizing the payment of claim against the Commonwealth.

Said resolution is as follows, viz:

It appearing that the Commonwealth of Kentucky was indebted to various tax commissioners for an illegal deduction of three hundred dollars ($300.00) per year from the tax commissioner's salary, and

It further appearing that all of such tax commissioners have been refunded this money, with the exception of W. Henry Grimes, Tax Commissioner of Warren County, and

It further appearing that he rendered such services as tax commissioner of Warren County and was entitled to receive the same amount of money as refunded to all of the tax commissioners,

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That his claim for twelve hundred dollars ($1200.00) with interest from January 1, 1944, at the rate of six percent. (6%) per annum, be and is hereby authorized to be paid.

It further appearing that said claim is a just claim against the Commonwealth the Commissioner of Finance is hereby authorized and directed to issue his warrant to the Treasurer of the Commonwealth of Kentucky to pay W. Henry Grimes $1200.00 with 6% interest from January 1, 1944.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edward O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Geo. F. Wilson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 49. A RESOLUTION authorizing Robert Bowling to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Robert Bowling, of Manchester, Clay County, Kentucky, is authorized hereby to sue the Commonwealth of Kentucky and the Departments of Highways, either or both, in the Clay Circuit Court, for damages resulting from personal injury caused by alleged negligence on the part of employes of the Commonwealth while said employes were in the line of duty as employes of the Department of Highways.

Said suit shall be for a sum not in excess of $10,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John D. Beatty	J. D. Buckman, Jr.
Clarence J. Barnum	Fred Beshear	Charles W. Burnley
C. E. Baumgardner	Edward O. Bridgers	Alex Calvert
Leonard T. Bean	Charles J. Bronston	R. Josh Cosby

Owen Deering	Durham W. Howard	W. R. Reasor
G. I. Drury	Robert N. Hubbard	Amos Runyan
Thomas R. Duncan	Silas Jacobs	Dr. Roy Sanders
C. A. Hammons	Barkley Jones	LeRoy Saylor
James P. Hanratty	Mrs. J. T. Linton	Forest Smith
George F. Harris	Harry K. Lowman	John M. Spaulding
Paul E. Hayes	John Martin	Raymond D. Stigall
John A. Head	Jack McPherron	Mrs. Thelma Stovall
Harold G. Helm	Archie R. Moore	W. R. Stringer
William K. Henry	Emmett G. Moore	M. G. Thompson
Ray Holbrook	Walter R. Moorman	Rev. T. H. Tinsley
Woodrow W. Hollan	Fred H. Morgan	Fred M. Warns
Chester J. Holsclaw	C. S. Nabb	Lyle H. Webb
W. M. Horn	James H. Polsgrove	Geo. F. Williamson
Richard R. Houpt	Leonard W. Preston	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 54. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. There is appropriated out of the Legislative Session Fund a sufficient sum of money to enable the payment of compensation, at the rate of $2 per day each, during the period of the present session of the General Assembly, to Noel Jones, James B. West, Mrs. Ottie Scott, Robert Crews, James Weber, Sam Penn, Edward Quire, Forsee Winter, Adrain Slusher, Kelly Gilbert, and Willard Wingate for extra services performed and overtime actually worked, in the operation and maintenance of the State Capitol and its various facilities, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions and committee meetings thereof.

2. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for, the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

3. WHEREAS, the General Assembly will within a short time adjourn and the officers and employes will depart for various sections of the state, an emergency is declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edw. O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	G. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. 17. A JOINT RESOLUTION authorizing and directing the payment of the claims of J. E. Hutchins, Judge Pro-Tem of the Police Court of Louisville, Jefferson County, Kentucky, for fees allowed and payable by virtue of Section 64.220 Kentucky Revised Statutes, while holding examining trials in felony charges from August 31, 1948, to and including June 29, 1949.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. E. Hutchins, Judge Pro-Tem of the Louisville Police Court of Louisville, Jefferson County, Kentucky, has claims against the Commonwealth, which claims were duly allowed at the January term 1950 of the Jefferson Circuit Court, Criminal Division, being claims for fees for services in holding examining trials in felony cases while acting as Judge Pro-Tem of the Police Court of the City of Louisville, Jefferson County, Kentucky, which the Commonwealth is required by law to pay, and which claims are in the total amount of $516.00.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that the claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay the claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being $516.00, is hereby appropriated out of the General Expenditure Fund of the State Treasury for that purpose.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	James P. Hanratty	Harry K. Lowman
Clarence J. Barnum	George F. Harris	John Martin
C. E. Baumgardner	Paul E. Hayes	Jack McPherron
Leonard T. Bean	John A. Head	Archie R. Moore
John D. Beatty	Harold G. Helm	Emmett G. Moore
Fred Beshear	William K. Henry	Walter R. Moorman
Edw. O. Bridgers	Ray Holbrook	Fred H. Morgan
Charles J. Bronston	Woodrow W. Hollan	C. S. Nabb
J. D. Buckman, Jr.	Chester J. Holsclaw	James H. Polsgrove
Charles W. Burnley	W. M. Horn	Leonard W. Preston
Alex Calvert	Richard R. Houpt	W. R. Reasor
R. Josh Cosby	Durham W. Howard	Amos Runyan
Owen Deering	Robert N. Hubbard	Dr. Roy Sanders
G. I. Drury	Silas Jacobs	LeRoy Saylor
Thomas R. Duncan	Barkley Jones	Forest Smith
C. A. Hammons	Mrs. J. T. Linton	John M. Spaulding

Raymond D. Stigall	M. G. Thompson	Lyle H. Webb
Mrs. Thelma Stovall	Rev. T. H. Tinsley	G. F. Williamson
W. R. Stringer	Fred M. Warns	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 60. A JOINT RESOLUTION authorizing Charles Henderson, of Lexington, Fayette County, Kentucky, as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson, an infant under fourteen (14) years of age, to sue the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, on the 21st day of November, 1947, while the said Patricia Ann Henderson was a student and attending the Booker T. Washington School; said school being one of the public schools of the City of Lexington school systems and under control of and operated by the said Board of Education of the City of Lexington, Kentucky; the said Patricia Ann Henderson sustained numerous bodily burns and injuries to her person as a result of her clothing becoming ignited by a stove used in said school, with the result that the said Patricia Ann Henderson was permanently injured, and,

WHEREAS, it appears that the Board of Education of the City of Lexington, Kentucky, may be responsible for damages as a result of said injuries and burns,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Charles Henderson, as parent, natural guardian and next friend of Patricia Ann Henderson, be, and he is hereby authorized and permitted to sue the Board of Education of the City of Lexington, Kentucky, in the Fayette Circuit Court (Kentucky), for such damages, if any, to the person of Patricia Ann Henderson, caused as a result of the alleged negligence and carelessness on the part of the Board of Education of the City of Lexington, Kentucky, as herein set out.

2. The amount to be sued for under this resolution shall not exceed the sum of Fifteen Thousand ($15,000.00) Dollars.

3. That in the event said Henderson shall recover any judgment against the Board of Education of the City of Lexington, Kentucky, it may appeal as in other civil cases, or if he fail to recover judgment, he may appeal as in any other civil cases.

4. That any suits so brought may be settled and adjusted by said parties, as in the manner of any other civil suit.

5. That the amount of any judgment or settlement shall be paid out of the public funds under the control of said Board of Education of the City of Lexington, Kentucky, upon its order.

6. No statement in this resolution shall be considered by either the Court or a Jury as an admission of negligence upon the part of the Board of Education of the City of Lexington, Kentucky, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

AFFIDAVIT

STATE OF KENTUCKY }
COUNTY OF FAYETTE } SCT.

* * * * *

To the Committee Considering a Joint Resolution Authorizing Charles Henderson, of Lexington, Kentucky, as parent, natural guardian and next friend for and on behalf of Patricia

Ann Henderson, an infant under fourteen (14) years of age, to sue the Board of Education of the City of Lexington, Kentucky, and

TO WHOM IT MAY CONCERN:

The affiant, Charles Henderson, states that he is a resident of Lexington, Fayette County, Kentucky, and that he is the parent and natural guardian of Patricia Ann Henderson, age eight (8), who resides with him and is in his custody in Lexington, Fayette County, Kentucky; that on or about November 21st, 1947, while the said Patricia Ann Henderson was a student and attending the Booker T. Washington School, in Lexington, Fayette County, Kentucky, a public school and a part of the school system of the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky, that Patricia Ann Henderson received severe burns and injuries to her person as a result of her clothing being ignited by an open-gas stove, being used at the time by the said Booker T. Washington School, for heating purposes. The affiant further states that at the time the said Patricia Ann Henderson received said burns and injuries she was in the lunchroom of said school, which lunchroom at the time was under the care and custody of one of the agents, servants and employees of the said Commonwealth of Kentucky, and the Board of Education of the City of Lexington, Kentucky, and that said employees, agents and servants at said time had the care, custody and control of the said Patricia Ann Henderson.

Affiant further states that at all times mentioned herein the said Booker T. Washington School was and is a public school operated and under the jurisdiction of the Commonwealth of Kentucky and the Board of Education of the City of Lexington, Kentucky; that it had employed a school principal, teachers and other servants, who were responsible for the safe maintenance and operation of said school and unto whose care and custody the students, including the said Patricia Ann Henderson, was placed, and that at said time the said principal, teachers and employees were acting within the scope of their authority and within the course of their employment.

Affiant further states that the injuries and resulting damages to the said Patricia Ann Henderson were the result of the negligence and carelessness of the Board of Education of the City of Lexington, Kentucky, acting by and through its servants, agents and employees, who were then and there acting within the scope of their authority.

Affiant further states that the injuries received by Patricia Ann Henderson were severe burns about the body and that said injuries caused great pain and anguish and are of permanent nature and have permanently impaired and destroyed her power to earn money and that she has been injured thereby in the sum of Fifteen Thousand ($15,000) Dollars.

Affiant further states that the negligence hereinabove complained of consisted of the maintenance of the Board of Education of the City of Lexington, Kentucky, of an open and unprotected gas stove, situated so that the students were allowed to congregate around it.

Charles Henderson

Subscribed and sworn to before me by Charles Henderson, this the 28th day of February, 1950.

My commission expires June 7, 1953.

Blanche Link Duncan
Notary Public, Fayette Co. Kentucky

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Leonard W. Preston
John D. Beatty	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Amos Runyan
Edw. O. Bridgers	W. M. Horn	Dr. Roy Sanders
Charles J. Bronston	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Durham W. Howard	Forest Smith
Charles W. Burnley	Robert N. Hubbard	John M. Spaulding
Alex Calvert	Silas Jacobs	Raymond D. Stigall
R. Josh Cosby	Barkley Jones	Mrs. Thelma Stovall
Owen Deering	Mrs. J. T. Linton	W. R. Stringer
G. I. Drury	Harry K. Lowman	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. H. Tinsley
C. A. Hammons	Jack McPherron	Fred M. Warns
James P. Hanratty	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	G. F. Williamson
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch

—57

Those who voted in the negative were—

R. C. Estepp, Sr. Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now recess until 8:45 o'clock, p.m.

Said motion was agreed to.

And then the House recessed.

The hour of 8:45 o'clock, p.m. having arrived, the Speaker resumed the chair and called the House to order.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 243. AN ACT relating to the times and places of holding circuit court in the second circuit court district, amending the introductory clause and subsection (2) of section 23.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The introductory clause and subsection (2) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

(2) Second District. McCracken County, at Paducah, on the second Monday in January, first Monday in February, first Monday in March and second Monday in April, eighteen juridical days each; on the first Monday in May, twenty-four juridical days; on the first Monday in June, second Monday in September, first Monday in October and second Monday in November, eighteen juridical days each; on the first Monday in December, twelve juridical days.

"Marshall County, at Benton, on the fourth Monday in March, twelve juridical days; on the fourth Monday in June, eighteen juridical days; on the fourth Monday in October, twelve juridical days.

Sec. 2. This Act shall not become effective until September 1, 1950.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	J. D. Buckman, Jr.	George F. Harris
Edgar Arnett	Mrs. M. E. Burnett	Paul E. Hayes
Sidney Baer	Charles W. Burnley	John A. Head
Clarence J. Barnum	Stanley Carter	Harold G. Helm
C. E. Baumgardner	Paul Combs	William K. Henry
Leonard T. Bean	R. Josh Cosby	E. R. Hilton
John D. Beatty	Owen Deering	Ray Holbrook
Fred Beshear	G. I. Drury	Woodrow W. Hollan
L. E. Bradley	Thomas R. Duncan	Chester J. Holsclaw
Edward O. Bridgers	Henry C. Hale	W. M. Horn
Thomas L. Britton	C. A. Hammons	Robert N. Hubbard
Charles J. Bronston	James P. Hanratty	Silas Jacobs

Paul S. Jonas	C. S. Nabb	Jesse H. Shelton
Barkley Jones	Dr. C. E. Palmore	Forest Smith
William Jones	James H. Polsgrove	John M. Spaulding
Mrs. J. T. Linton	Leonard W. Preston	J. Claude Stacy
Homer E. Losey	Hobart Rayburn	Roy Steers
A. L. (Chick) Love	W. R. Reasor	Raymond D. Stigall
True Mackey	Carl J. Ruh	W. R. Stringer
Damon Majors	Amos Runyon	Egbert V. Taylor
John Martin	Dr. Roy Sanders	M. G. Thompson
Jack McPherron	LeRoy Saylor	Rev. T. H. Tinsley
Alton Mitchell	Roy Searcy	Ralph N. Walter
Archie R. Moore	Paul E. Shannon	Fred M. Warns
Emmett G. Moore	James S. Shaw	Lyle H. Webb
Fred H. Morgan	Gus Sheehan, Jr.	Charles W. Wirsch

—78

Those who voted in the negative were—

James W. Lambert G. F. Williamson —2

Resolved that the title thereof be as aforesaid.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 125. AN ACT relating to stenographers for County Judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 25.290 of the Kentucky Revised Statutes is amended to read as follows:

In all counties having a population of 200,000 or over, and in all counties containing a city of the second, third, fourth or

fifth class, the county judge, if so authorized by the fiscal court, may appoint a stenographer for a term of four years. He may remove the stenographer at any time.

Sec. 2. WHEREAS, it will be beneficial to many counties to obtain the services of a stenographer under the terms of this Act as soon as possible,

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Mr. Tinsley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	C. E. Baumgardner	Edw. O. Bridgers
Sidney Baer	Leonard T. Bean	Charles J. Bronston
Clarence J. Barnum	L. E. Bradley	J. D. Buckman, Jr.

Mrs. M. E. Burnett	W. M. Horn	Hobart Rayburn
Charles W. Burnley	Richard R. Houpt	Carl J. Ruh
Alex Calvert	D. W. Howard	Amos Runyan
Stanley Carter	Robert N. Hubbard	Dr. Roy Sanders
Paul Combs	Silas Jacobs	LeRoy Saylor
R. Josh Cosby	Paul S. Jonas	Paul E. Shannon
Owen Deering	Barkley Jones	Gus Sheehan, Jr.
G. I. Drury	William Jones	Jesse H. Shelton
Thomas R. Duncan	James W. Lambert	Forest Smith
R. C. Estepp, Sr.	Mrs. J. T. Linton	Joseph T. Snapp
Henry C. Hale	Homer E. Losey	John M. Spaulding
C. A. Hammons	A. L. (Chick) Love	J. Claude Stacy
James P. Hanratty	Damon Majors	Roy Steers
George F. Harris	John Martin	Egbert V. Taylor
Paul E. Hayes	Jack McPherron	M. G. Thompson
John A. Head	Alton Mitchell	Rev. T. H. Tinsley
William K. Henry	Emmett G. Moore	Ralph N. Walter
E. R. Hilton	C. S. Nabb	Harry Lee Waterfield
Ray Holbrook	Dr. C. E. Palmore	Lyle H. Webb
Woodrow W. Hollan	James H. Polsgrove	Morris Weintraub
Chester J. Holsclaw	Leonard W. Preston	Charles W. Wirsch

—72

Those who voted in the negative were—

Edgar Arnett	Harold G. Helm	Roy Searcy

—3

Resolved that the title thereof be as aforesaid.

Mr. Tinsley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 112. AN ACT relating to the ad valorem tax systems of the state, counties and cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.285 of the Kentucky Revised Statutes is amended to read as follows:

Any city may by ordinance elect to use the annual county assessment for property situated within such city as a basis of ad valorem tax levies ordered or approved by the legislative body of the city. In such event the assessment as finally determined for county tax purposes shall serve as a basis of all city levies for the first fiscal year commencing after the county assessment date. Notwithstanding any statutory provisions to the contrary, the assessment dates for such city shall conform to the corresponding dates for the county and such city may by ordinance establish additional financial and tax procedures that will enable it effectively to adopt the county assessment. The legislative body of any city adopting the county assessment may fix the time for levying the city tax rate, the fiscal year, due and delinquency dates for taxes and any other dates that will enable it effectively to adopt the county assessment, notwithstanding any statutory provisions to the contrary. Any such city may, by ordinance, abolish any office connected with city assessment and equalization; except that in the case of a city assessor who is elected by the qualified voters of the city, the office may not be abolished before the end of the term of such assessor. Any city which elects to use the couty assessment shall have access to the assesment records as soon as completed and may obtain from the county court clerk a certified copy of that portion of the records which represents the assessment of property within such city by paying the cost thereof. Once any city elects to use the county assessment, such action cannot be revoked without notice to the Department of Revenue six months prior to the next date as of which property is assessed for state and county taxes.

Mr. Burnley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Paul E. Hayes	Carl J. Ruh
Clarence J. Barnum	Ray Holbrook	Amos Runyan
C. E. Baumgardner	Chester J. Holsclaw	Dr. Roy Sanders
Leonard T. Bean	Richard R. Houpt	LeRoy Saylor
John D. Beatty	Silas Jacobs	Roy Searcy
Fred Beshear	Paul S. Jonas	Paul E. Shannon
L. E. Bradley	Barkley Jones	Gus Sheehan, Jr.
Edw. O. Bridgers	William Jones	Jesse H. Shelton
Charles J. Bronston	Mrs. J. T. Linton	Forest Smith
J. D. Buckman, Jr.	Homer E. Losey	Joseph T. Snapp
Mrs. M. E. Burnett	A. L. (Chick) Love	John M. Spaulding
Charles W. Burnley	True Mackey	J. Claude Stacy
Alex Calvert	Damon Majors	Raymond D. Stigall
Stanley Carter	John Martin	Egbert V. Taylor
Paul Combs	Alton Mitchell	M. G. Thompson
R. Josh Cosby	Walter R. Moorman	Rev. T. H. Tinsley
B. H. Crider	Fred H. Morgan	Ralph N. Walter
G. I. Drury	C. S. Nabb	Fred M. Warns
Thomas R. Duncan	Dr. C. E. Palmore	Harry Lee Waterfield
R. C. Estepp, Sr.	James H. Polsgrove	Lyle H. Webb
Mitchell S. Fannin	Leonard W. Preston	Morris Weintraub
Henry C. Hale	Hobart Rayburn	G. F. Williamson
George F. Harris	W. R. Reasor	Charles W. Wirsch

—69

Those who voted in the negative were—

William K. Henry	W. M. Horn	Emmett G. Moore
Woodrow W. Hollan	Jack McPherron	

—5

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 129. AN ACT relating to water districts and authorizing same to acquire and develop other public projects under the terms of KRS 58.010 to 58.140 and repealing KRS 74.120.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Water districts organized under K.R.S. 74.010 may acquire any "public projects" as said term is defined in K.R.S. 58.010.

2. K.R.S. 74.120 is hereby repealed.

3. Water districts may, in addition to all other methods provided by law, acquire and develop "public projects" through the issuance of Revenue Bonds and when so doing all of the provisions of K.R.S. 58.010 to 58.140 shall apply to said water districts.

Mr. Walter moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Thomas R. Duncan	James H. Polsgrove
Edgar Arnett	James P. Hanratty	Hobart Rayburn
Fred Beshear	George F. Harris	Amos Runyan
L. E. Bradley	Ray Holbrook	Dr. Roy Sanders
Charles J. Bronston	Woodrow W. Hollan	Jesse H. Shelton
J. D. Buckman, Jr.	W. M. Horn	Forest Smith
Mrs. M. E. Burnett	Richard R. Houpt	J. Claude Stacy
Charles W. Burnley	Robert N. Hubbard	Raymond D. Stigall
Alex Calvert	Barkley Jones	Mrs. Thelma Stovall
Stanley Carter	William Jones	W. R. Stringer
Paul Combs	Mrs. J. T. Linton	M. G. Thompson
R. Josh Cosby	True Mackey	Rev. T. H. Tinsley
B. H. Crider	Walter R. Moorman	Ralph N. Walter
G. I. Drury	C. S. Nabb	—41

Those who voted in the negative were—

Sidney Baer	E. R. Hilton	Archie R. Moore
Clarence J. Barnum	Durham W. Howard	Emmett G. Moore
C. E. Baumgardner	Silas Jacobs	Fred H. Morgan
Edw. O. Bridgers	James W. Lambert	Dr. C. E. Palmore
R. C. Estepp, Sr.	A. L. (Chick) Love	Leonard W. Preston
C. A. Hammons	John Martin	W. R. Reasor
John A. Head	G. Lee McClain	Carl J. Ruh
Harold G. Helm	Jack McPherron	LeRoy Saylor
William K. Henry	Alton Mitchell	Roy Searcy

Paul E. Shannon	Roy Steers	Lyle H. Webb
Gus Sheehan, Jr.	Egbert V. Taylor	Morris Weintraub
Joseph T. Snapp	Harry Lee Waterfield	Charles W. Wirsch
John M. Spaulding		—37

Resolved that the title thereof be as aforesaid.

Mr. Walter moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

H. B. No. 349. AN ACT relating to the practice of optometry, amending Section 311.010 and repealing Sections 311.140 to 311.240 of the Kentucky Revised Statutes, and creating new sections of the Kentucky Revised Statutes.

H. B. No. 368. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and providing for the construction and maintenance of the same by the Commonwealth, and for the regulation of traffic thereon, and for penalties for violation of such regulations, and amending KRS 177.043 and KRS 177.046.

H. B. No. 372. AN ACT relating to the jurisdiction of officers of the Department of Kentucky State Police.

H. B. No. 424. AN ACT relating to public assistance to needy aged, needy blind and needy children.

H. B. No. 445. AN ACT relating to adoptions.

H. B. No. 450. AN ACT relating to children.

H. B. No. 455. AN ACT relating to a program of in-service teacher training, and making an appropriation.

H. Res. No. 7. A JOINT RESOLUTION authorizing Mr. Cassius Stone, of Gradyville, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, or either.

H. Res. No. 9. A RESOLUTION appropriating from the General Fund the sum of One Hundred and Twenty-seven Dollars and fifty cents ($127.50) to pay a claim for services rendered by F. J. Alsop of Hawesville, Kentucky, in making a survey of abandoned coal mines in Hancock County.

H. Res. No. 10. A JOINT RESOLUTION authorizing Johnie Hale of Prestonsburg, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 11. A JOINT RESOLUTION authorizing the payment of pauper idiot claims.

H. Res. No. 14. A JOINT RESOLUTION authorizing Richard Blackwell of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

H. Res. No. 15. A JOINT RESOLUTION authorizing Annie Blackwell of Lookout, Pike County, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 16. A JOINT RESOLUTION authorizing Buford Keeton of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

H. Res. No. 23. A JOINT RESOLUTION authorizing and directing the payment of a claim of Teddy C. Decker, of Pulaski County, Kentucky.

H. Res. No. 26. A RESOLUTION authorizing Phillip Thompson to sue the Commonwealth of Kentucky.

H. Res. No. 32. A JOINT RESOLUTION authorizing and directing the payment of the sum of $1899.00 to C. B. Wilson, for salary due him and expenses incurred by him as deputy sheriff of Woodford County, Kentucky, and appropriating that sum from the State Treasury.

H. Res. No. 36. A RESOLUTION authorizing V. H. McDaniel of Franklin County, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 39. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1950 Edition.

H. Res. No. 43. A JOINT RESOLUTION authorizing Clayton Whitaker and Cora A. Whitaker, of Rockcastle County, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 46. A JOINT RESOLUTION authorizing J. E. Carter and Lena Carter, of Breckinridge County, to sue the Commonwealth of Kentucky.

H. Res. No. 49. A JOINT RESOLUTION appropriating from the General Fund of the Commonwealth of Kentucky the sum of $49.50 to pay, Hager Watson, Circuit Court Clerk of Magoffin County, for claims due him for services rendered in the performance of his duties for the Commonwealth in administering oath to and excusing 198 jurors that were summoned in the Magoffin Circuit Court to qualify for jury service.

H. Res. No. 52. A RESOLUTION authorizing the payment to the estate of Clarence Miller, deceased, of a claim of said Clarence Miller for expenses incurred as Commissioner of Finance of the Commonwealth of Kentucky, and appropriating the necessary sum to pay said claim out of the General Fund.

H. Res. No. 53. A JOINT RESOLUTION authorizing John Clay Salyer, an infant, by his guardian, Richmond Salyer, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 54. A JOINT RESOLUTION authorizing and directing the payment of the sum of $273.00 to Elmine Watts for expenses incurred by him as sheriff of Knott County.

H. Res. No. 59. A JOINT RESOLUTION authorizing John Hatton, statutory guardian and father of John P. Hatton, an in-

fant over fourteen years of age, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 61. A JOINT RESOLUTION authorizing William Mudd to sue the Commonwealth of Kentucky and the Division of Game and Fish, or either.

H. Res. No. 64. A JOINT RESOLUTION authorizing George Jean Logan, an infant under twelve years of age, by his father and next friend, Chester Logan, to sue the Commonwealth of Kentucky and the Kentucky State Highway Department, or either.

H. Res. No. 70. A JOINT RESOLUTION authorizing and directing the placing of a plaque on the desk occupied by Mrs. J. Lee Moore, the first woman member in the Senate of the Commonwealth of Kentucky, and making an appropriation.

H. Res. No. 73. A JOINT RESOLUTION appropriating the sum of One Thousand Dollars ($1,000.00) as an additional contingent fund for the Clerk of the House, and appropriating the sum of One Thousand Dollars ($1,000.00) as an additional contingent fund for the Clerk of the Senate, and declaring an emergency.

Thereupon, all other business was suspended, said bills and said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills and said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and said resolutions duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bills and said resolutions be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 186. AN ACT providing for the repeal and reenactment of Kentucky Revised Statutes, Section 96.250, providing for the election and salaries of officers and appointment and salaries of employees of waterworks in cities of the first class.

H. B. No. 417. AN ACT relating to district detectives.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had concurred in resolutions which originated in this body of the following titles, viz:

H. Res. No. 81. A CONCURRENT RESOLUTION extending the thanks of the General Assembly of the Commonwealth of Kentucky to the George T. Stagg Distillery for the use of its premises and facilities for the holding of the General Assembly Return Ball.

H. Res. No. 82. A CONCURRENT RESOLUTION extending congratulations and felicitations to the citizens of Floyd County upon the celebration of the Floyd County sesquicentennial on behalf of people of the Commonwealth of Kentucky by the 1950 General Assembly.

A message was received from the Senate announcing that they had appointed a Committee on Conference to meet with a like Committee to be appointed by the Speaker of the House to settle the differences between the two Houses on a bill of the following title, viz:

S. B. No. 179. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which in-

cludes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing its powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

Thereupon, the Speaker announced Messrs. Burnley, Buckman and Durham W. Howard as members constituting said Committee on Conference to meet with said Committee appointed by the Senate to settle the differences between the two Houses on said bill.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 253. AN ACT relating to physical examinations for school teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Department of Health, through the facilities of the local health units, shall provide for all school teachers, free of charge, the physical examinations required by their employing authority in the educational system.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	William K. Henry	Hobart Rayburn
Edgar Arnett	Woodrow W. Hollan	W. R. Reasor
Clarence J. Barnum	W. M. Horn	Carl J. Ruh
C. E. Baumgardner	Richard R. Houpt	Amos Runyan
Leonard T. Bean	Robert N. Hubbard	Dr. Roy Sanders
Fred Beshear	Silas Jacobs	LeRoy Saylor
Edw. O. Bridgers	Paul S. Jonas	Roy Searcy
Charles J. Bronston	Barkley Jones	Gus Sheehan, Jr.
Mrs. M. E. Burnett	James W. Lambert	Forest Smith
Stanley Carter	Mrs. J. T. Linton	Joseph T. Snapp
Paul Combs	Homer E. Losey	John M. Spaulding
R. Josh Cosby	A. L. (Chick) Love	Roy Steers
Owen Deering	Harry K. Lowman	Raymond D. Stigall
G. I. Drury	True Mackey	W. R. Stringer
Thomas R. Duncan	G. Lee McClain	M. G. Thompson
Henry C. Hale	Alton Mitchell	Rev. T. H. Tinsley
C. A. Hammons	Emmett G. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	Lyle H. Webb
George F. Harris	C. S. Nabb	G. F. Williamson
Paul E. Hayes	James H. Polsgrove	Charles W. Wirsch

—60

Those who voted in the negative were—

John Martin	Dr. C. E. Palmore	James S. Shaw
Archie R. Moore		

—4

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 27. AN ACT relating to the practice of dentistry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 313.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the Kentucky State Board of Dental Examiners.

(2) Any person shall be regarded as "practicing dentistry" who is a manager, proprietor, operator or conductor of a place for performing dental operations or who, for a fee, salary or other regard paid or to be paid either to himself or to another person, performs or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who diagnoses or treats disorders, or deficiencies of the oral cavity and adjacent associated structures, or who takes impressions of the human teeth or jaws, or shall construct, supply, reproduce or repair any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except upon the order of prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, supply or repair thereof to any person other than a licensed dentist, or

who places or adjusts such substitute in the oral cavity of another, or who uses the word "dentist," "dental surgeon," the letters "D. D. S.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry.

(3) The term "manager," "proprietor," "operator" or "conductor" shall be deemed not to include any legitimate hospitals, state institutions or other similar organizations, but shall be deemed to include any person:

(a) Who employes licensed operators;

(b) Who places in the possession of licensed operators dental offices or dental equipment necessary for the handling of dental offices on the basis of a lease or any other agreement for compensation or profit for the use of such office or equipment; when such compensation is manifestly in excess of the reasonable rental value of such premises and equipment.

(c) Who makes any other arrangements whereby he derives profit, compensation or advantage through retaining the ownership or control of dental offices or necessary dental equipment by making the same available in any manner whatsoever for the use of licensed operators; provided, however, that the above shall not apply to bona fide sales of detal equipment secured by chattel mortgage.

(4) "Dental hygiene" shall mean the treatment of human teeth by removing therefrom calcareous deposits, and by removing accumulated accretion from directly beneath the free margin of the gums, and by polishing the exposed surface of the teeth, and shall also mean the making of X-ray exposures of teeth and surrounding tissues; Provided that nothing in KRS 313.260 to 313.350 shall be so construed as to affect the practice of medicine or dentistry nor to prevent students of a dental college or university from practicing dental hygiene under supervision of their instructors.

(5) "Dental hygienist" shall mean any person who practices dental hygiene.

Sec. 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Kentucky State Board of Dental Examiners may maintain an action in equity to enjoin the practice of or attempt to practice dentistry without a license in violation of KRS 313.020.

(2) In case of a violation of any injunction granted under this section, the court, or a judge in vacation, may summarily try and punish the offender; and the court's or judge's discretion concerning the degree of punishment shall not be subject to the provisions of KRS 432.260. The proceedings shall be commenced by filing with the clerk of the court an affidavit, setting out the alleged facts constituting the violation, upon which the court or judge shall cause an order of arrest to issue. The trial may be had upon affidavit, but either party may at any stage of the proceedings demand the production and oral examination of the witnesses.

Sec. 3. Section 313.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who practices or attempts to practice dentistry without a license in violation of KRS 313.020 shall be fined $1,000 or imprisoned in the county jail for not more than thirty days, or both, for the first offense; and for each subsequent offense shall be fined $2,000 or imprisoned in the county jail for not more than sixty days, or both. Each day that a person, without a license, practices or attempts to practice dentistry shall constitute a separate offense.

(2) Any person who violates subsection (2) of KRS 313.040 shall be confined in the penitentiary not less than one nor more than five years.

(3) Any person who violates KRS 313.230 shall be fined not less than twenty-five dollars nor more than fifty dollars for the first offense; and for each subsequent offense shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars or imprisoned in the county jail for not less than thirty nor more than sixty days, or both.

(4) Any person who violates any provision of KRS 313.020 to 313.250 for which no specific penalty has been provided shall be fined not less than one hundred dollars nor more than five hundred dollars for the first offense; and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned in the county jail for not more than six months, or both. Each day that a person illegally holds himself out as practicing dentistry shall constitute a separate offense.

(5) An person who violates any provision of KRS 313.260 to 313.350 shall be fined not more than fifty dollars or imprisoned in the county jail for not more than thirty days, or both.

Mr. Lowman offered the following amendments to said bill, viz:

Amendment No. 1. Amend printed copy of S. B. No. 27 in the House on page 1, section 1, by striking therefrom lines 8 through 11 in their entirety and substituting in lieu thereof the following:

"who, for a fee, salary or other reward paid or to be paid to himself, performs or advertises to perform, dental operations of"

Amendment No. 2. Amend printed copy of S. B. No. 27 in the House on pages 2 and 3, section 1, by striking therefrom lines 29 through 46 in their entirety.

Amendment No. 3. Amend printed copy of S. B. No. 27 on page 3, Section 1, line 47, by striking therefrom "(4)" and substituting in lieu thereof "(3)"

Amendment No. 4. Amend S. B. No. 27 on page 3, Section 1, line 57, by striking therefrom "(5)" and substituting in lieu thereof "(4)"

Said amendments to said bill were each and severally agreed to.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	William K. Henry	W. R. Reasor
Clarence J. Barnum	Ray Holbrook	Amos Runyan
C. E. Baumgardner	Woodrow W. Hollan	Dr. Roy Sanders
Fred Beshear	Chester J. Holsclaw	Paul E. Shannon
Edw. O. Bridgers	W. M. Horn	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Richard R. Houpt	Jesse H. Shelton
Mrs. M. E. Burnett	Robert N. Hubbard	Forest Smith
Alex Calvert	Paul S. Jonas	Joseph T. Snapp
Stanley Carter	Barkley Jones	John M. Spaulding
Paul Combs	Mrs. J. T. Linton	Raymond D. Stigall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
Owen Deering	True Mackey	Egbert V. Taylor
G. I. Drury	Jack McPherron	M. G. Thompson
Thomas R. Duncan	Fred H. Morgan	Rev. T. H. Tinsley
James P. Hanratty	C. S. Nabb	Ralph N. Walter
Paul E. Hayes	James H. Polsgrove	Fred M. Warns

—48

Those who voted in the negative were—

Leonard T. Bean	James W. Lambert	Emmett G. Moore
John D. Beatty	A. L. (Chick) Love	Walter R. Moorman
B. H. Crider	John Martin	Dr. C. E. Palmore
R. C. Estepp, Sr.	Alton Mitchell	Leonard W. Preston
George F. Harris	Archie R. Moore	G. F. Williamson
Harold G. Helm		—16

Mr. Lowman offered the following amendment to the title of said bill, viz:

Amend the title by adding at the end thereof the following words:

"This Act shall be known as 'The Lyons Dental Practice Act' "

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 274. AN ACT relating to Statutory liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is hereby created, to be numbered 376.281, and to read as follows:

As used in KRS 376.270 and 376.280 "motor vehicle" shall include vehicles used or designed for navigation of or flight in the air, as well as those used or designed for operation on the public highways.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	James P. Hanratty	Paul S. Jonas
Sidney Baer	George F. Harris	Barkley Jones
Clarence J. Barnum	Paul E. Hayes	James W. Lambert
C. E. Baumgardner	John A. Head	Mrs. J. T. Linton
Fred Beshear	William K. Henry	A. L. (Chick) Love
Edw. O. Bridgers	Ray Holbrook	Harry K. Lowman
Charles J. Bronston	Woodrow W. Hollan	True Mackey
Stanley Carter	W. M. Horn	Archie R. Moore
R. Josh Cosby	Richard R. Houpt	Walter R. Moorman
G. I. Drury	Robert N. Hubbard	Fred H. Morgan
Thomas R. Duncan	Silas Jacobs	C. S. Nabb

James H. Polsgrove	Gus Sheehan, Jr.	Rev. T. H. Tinsley
Carl J. Ruh	Raymond D. Stigall	Fred M. Warns
Amos Runyan	Mrs. Thelma Stovall	Morris Weintraub
Dr. Roy Sanders	W. R. Stringer	G. F. Williamson
Roy Searcy	M. G. Thompson	—47

Those who voted in the negative were—

Leonard T. Bean	Homer E. Losey	LeRoy Saylor
John D. Beatty	John Martin	Forest Smith
L. E. Bradley	G. Lee McClain	Roy Steers
Alex Calvert	Alton Mitchell	Egbert V. Taylor
R. C. Estepp, Sr.	Emmett G. Moore	Harry Lee Waterfield
C. A. Hammons	Dr. C. E. Palmore	Lyle H. Webb
Harold G. Helm	Leonard W. Preston	Charles W. Wirsch
William Jones	W. R. Reasor	—23

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now take up for immediate consideration a resolution which originated in this body of the following title, viz:

H. Res. No. 13. A JOINT RESOLUTION authorizing Marlene Bartley of Lookout, Pike County, Kentucky, by her guardian or next friend to sue the Commonwealth of Kentucky.

With an amendment to said resolution as proposed and adopted by the Senate.

Which was reported from the Senate on today.

(For resolution see H.J. of February 16, 1950, ante)

(For amendment to said resolution as proposed and adopted by the Senate see H.J. of today, ante)

Mr. Hanratty moved that the House do now concur in said amendment to said resolution as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon, said amendment to said resolution as proposed and adopted by the Senate was concurred in.

Said resolution was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	William K. Henry	C. S. Nabb
Sidney Baer	Ray Holbrook	James H. Polsgrove
Clarence J. Barnum	Woodrow W. Hollan	Leonard W. Preston
C. E. Baumgardner	W. M. Horn	W. R. Reasor
Ieonard T. Bean	Durham W. Howard	Amos Runyan
Fred Beshear	Silas Jacobs	Dr. Roy Sanders
Charles J. Bronston	Paul S. Jonas	LeRoy Saylor
J. D. Buckman, Jr.	Barkley Jones	Gus Sheehan, Jr.
Charles W. Burnley	William Jones	Forest Smith
Stanley Carter	Mrs. J. T. Linton	Joseph T. Snapp
R. Josh Cosby	Harry K. Lowman	John M. Spaulding
Owen Deering	True Mackey	Mrs. Thelma Stovall
G. I. Drury	John Martin	W. R. Stringer
Thomas R. Duncan	Alton Mitchell	Egbert V. Taylor
Mitchell S. Fannin	Archie R. Moore	Rev. T. H. Tinsley
C. A. Hammons	Walter R. Moorman	Fred M. Warns
James P. Hanratty	Fred H. Morgan	Charles W. Wirsch
George F. Harris		—52

Those who voted in the negative were—

R. O. Blevins	Harold G. Helm	—2

Mr. Hanratty moved that the vote by which said resolution was passed as amended be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

H. B. No. 186. AN ACT providing for the repeal and reenactment of KRS 96.250, providing for the election and salaries of officers and appointment and salaries of employees of waterworks in cities of the first class.

H. B. No. 417. AN ACT relating to district detectives.

S. B. No. 282. AN ACT relating to planning and zoning in the state capitol and its environs; amending KRS 147.200, KRS 147.220, KRS 147.230 and KRS 147.250, and adding new sections.

S. B. No. 118. AN ACT relating to drainage commissioners, boards, districts, ad divisions.

S. B. No. 192. AN ACT relating to Teachers' Retirement, amending Section 161.610, KRS, providing an alternate plan of withdrawal after 30 years of service and providing for retirement irrespective of age.

S. B. No. 151. AN ACT relating to the taxing of discretionary trusts and revocable trusts.

S. B. No. 283. AN ACT relating to revenue and taxation.

S. B. No. 166. AN ACT relating to wartime and national emergency laws, repealing statutes whose tenure was dependent on the existence of the war or emergency; amending statutes part of the provisions of which were dependent upon the existence of the war or emergency; making effective acts and amendments the effective acts and amendments the effective date of which were made dependent upon the termination of the war or emergency.

S. B. No. 184. AN ACT relating to motor vehicles including the registering and licensing of manufacturers, dealers and operators of motor vehicles.

S. B. No. 286. AN ACT relating to the State Fair Board, and its powers, duties and functions, including its powers with

respect to operations, activities and enterprises at times other than when the State Fair is being conducted.

S. B. No. 51. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

S. B. No. 256. AN ACT relating to unemployment insurance.

S. B. No. 53. AN ACT repealing, amending and re-enacting Section 436.230 of the Kentucky Revised Statutes by adding a new sub-section thereto defining gambling.

S. B. No. 250. AN ACT to repeal, amend and re-enact (Sub-Section 6) of Section 132.590 of the Kentucky Revised Statutes relating to compensation of county tax commissioner; allowances by state and county for deputy hire and other authorized expenses; monthly salary advancement.

S. B. No. 280. AN ACT relating to ad valorem tax on distilled spirits.

S. B. No. 281. AN ACT relating to agreements with other States and Governments, and empowering the Governor to conduct the interstate relations of the Commonwealth.

S. B. No. 104. AN ACT relating to the publication and distribution of the opinions of the Court of Appeals.

S. B. No. 178. AN ACT to regulate practical nursing including provision for licensing the practice of practical nurses and for the approval of schools of practical nursing.

S. B. No. 203. AN ACT relating to certain officers, deputies and assistants, and their officers in counties containing a population of 75,000 or more, including authorization to the fiscal court in such counties to appropriate funds for expenditures for certain offices, and repealing KRS Sections 64.040, 64.130, 28.300, 71.070, subsections (2) and (3) of 70.030, sub-

sections (1), (2) and (3) of 64.170 and repealing, amending and re-enacting KRS Sections 64.270 and 27.080.

S. B. No. 189. AN ACT relating to the State Fire and Tornado Insurance Fund, and other insurance on State Property.

S. B. No. 242. AN ACT relating to jailers and repealing and re-enacting KRS 64.150.

S. B. No. 152. AN ACT to regulate the racing of trotting horses in the Commonwealth of Kentucky and providing for the establishment of the Kentucky Trotting Commission and prescribing its powers and duties.

S. B. No. 185. AN ACT relating to Common Trust Funds, established pursuant to KRS 287.230, creating a new section to be known as KRS 287.235 and providing that such Funds shall not be considered as a separate entity for tax purposes.

S. B. No. 171. AN ACT relating to administration and enforcement of the law with respect to securities; abolishing the Division of Securities in the Department of Business Regulation and creating a Division of Securities in the Department of Banking; providing for a revolving trust or agency fund for securities administration and enforcement within the Department of Banking Revolving Trust or Agency Fund Account; and providing for a transfer of appropriations.

S. B. No. 169. AN ACT relating to the examination of credit unions; examination fees.

S. B. No. 158. AN ACT to amend Chapter 289 of the Kentucky Revised Statutes relating to Building and Loan Associations by adding thereto a new section to be known as Section 289.520 and providing for the insurance of shares of stock of Building and Loan Associations in the Federal Savings and Loan Corporation or any other approved Savings and Loan Insurance Corporation with power to purchase stock in said Corporation.

S. B. No. 147. AN ACT relating to authorized investments of trust funds; providing for accounting for profits; providing for

the ascertainment and apportionment of dividends among life tenants and remaindermen; amending Section 286.020 of the Kentucky Revised Statutes.

S. B. No. 133. AN ACT authorizing and adding two additional judges for the Thirtieth Circuit Court Districts, embracing Jefferson County; establishing additional divisions of said circuit court; and providing for the appointment and election of the additional judges.

S. B. No. 79. AN ACT relating to Civil Practice and Procedure and particularly the Code of Practice in civil cases; providing for a Civil Code Committee and additional powers and duties of the Statute Revision Commission; and making an appropriation.

S. B. No. 249. AN ACT to repeal, amend and re-enact Section 132.630 of the Kentucky Revised Statutes relating to compensation of county tax commissioner's deputies, appraisers and assistants in county containing city of first class.

S. B. No. 248. AN ACT relating to the licensing and regulation of contractors for works projects and the letting and performance of contracts for such projects.

S. B. No. 177. AN ACT relating to schools established in conjunction with Houses of Reform as established in the Kentucky Revised Statutes, Chapter 198 and Children's Homes in counties containing a city of the first class as established by the Kentucky Revised Statutes, Chapter 201.

S. B. No. 29. AN ACT relating to public records and the indexing thereof, amending Section 382.205 of the Kentucky Revised Statutes.

S. B. No. 279. AN ACT to repeal, amend and re-enact Section 64.010 of the Kentucky Revised Statutes relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts.

S. B. No. 109. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction,

maintenance, repair and operation of turnpike projects; declaring them to be limited access facilities; conferring powers and imposing duties upon the Department of Highways; providing for financing the construction of such projects by the issuance of revenue bonds of the Commonwealth, payable solely from tolls and other revenues; providing that no debt of the Commonwealth shall be incurred in the exercise of any such powers; providing for the collection of tolls and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and operation of such projects; making such bonds exempt from taxation; providing for condemnation; and authorizing the issuance of revenue refunding bonds.

S. Res. 26. A JOINT RESOLUTION authorizing Walter Payne, of Knox County, to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

S. Res. No. 21. RESOLUTION authorizing Pirtle Thomason to file suit against Board of Education of Grayson County, Kentucky.

S. Res. No. 22. A JOINT RESOLUTION authorizing Clyde B. Smith of Topmost, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. No. 64. A JOINT RESOLUTION authorizing the payment of claims against the Commonwealth.

S. Res. No. 23. A JOINT RESOLUTION authorizing J. I. McClendon, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 24. A JOINT RESOLUTION authorizing Arthur Garner, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 46. RESOLUTION authorizing the personal representative of Augustus Mainous, Grant Judd, and William Flannery, deceased, to sue the Commonwealth of Kentucky and the Department of Highways, or either of them.

S. Res. No. 47. A RESOLUTION electing on behalf of the Department of Conservation, the Division of Forestry and the Commonwealth of Kentucky to operate under the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders was concerned.

S. Res. No. 48. A JOINT RESOLUTION authorizing Sam Hensley to sue the Commonwealth of Kentucky, the Department of State Police, or either.

S. Res. No. 49. A JOINT RESOLUTION authorizing Robert Bowling to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 54. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the legislative session fund for the purposes of such compensation; providing for the distribution of the money appropriated; and declaring an emergency.

S. Res. No. 60. A JOINT RESOLUTION authorizing Charles Henderson, of Lexington, Fayette County, Kentucky, as parent, natural guardian and next friend for and on behalf of Patricia Ann Henderson, an infant under fourteen (14) years of age, to sue the Board of Education of the City of Lexington, Kentucky.

S. Res. No. 12. A JOINT RESOLUTION authorizing Bruce Thomas Lykins to sue the Commonwealth of Kentucky.

S. Res. No. 13. RESOLUTION authorizing the personal representatives of Otha Martin, deceased, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them.

S. Res. No. 15. A JOINT RESOLUTION authorizing Paul V. Wyatt of R.F.D. 2, Paris, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, either or both.

S. Res. No. 17. A JOINT RESOLUTION authorizing and directing the payment of the claims of J. E. Hutchins, Judge pro tem of the Police Court of Louisville, Jefferson County, Kentucky, for fees allowed and payable by virtue of Section 64.220 of the Kentucky Revised Statutes, while holding examining trials in felony charges from August 31, 1948 to and including June 29, 1949.

S. Res. No. 20. A RESOLUTION authorizing Esther Thomason to file suit against Board of Education of Grayson County, Ky.

S. Res. No. 31. A RESOLUTION authorizing Acree Austin of Mayfield, Graves County, Kentucky, to sue the Commonwealth of Kentucky.

S. Res. No. 32. A RESOLUTION authorizing H. L. Ashby to sue the Commonwealth of Kentucky and the Commissioner of Highways.

S. Res. No. 34. A JOINT RESOLUTION authorizing Ruth Wilson, Owsley County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. Res. No. 39. RESOLUTION authorizing Beeler Ringo to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

S. Res. No. 42. A JOINT RESOLUTION authorizing Ray H. Tuggey, Mrs. Maude B. Tuggey, Mrs. Blanche B. Mills and Carl J. Baird to sue the Commonwealth of Kentucky.

S. Res. No. 53. A JOINT RESOLUTION giving legislative approval to that certain compact entered into by eleven Southern States, as amended, relative to the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens in the Several States who reside in such region; to declare that the State of Kentucky is a

party to said compact, as amended, and that the agreements, covenants and obligations therein are binding upon said State; and appropriating funds for Kentucky's share of the cost of administrative services and operations under said compact.

S. Res. No. 62. A JOINT RESOLUTION designating the Board of Trustees of the University of Kentucky as the agency of the Commonwealth, subject to certain conditions and restrictions, to carry out such negotiations and do such other acts and things as may be necessary to administer, implement and fully carry out on behalf of the Commonwealth of Kentucky, the provisions of Senate Resolution 53 of the 1950 Regular Session of the General Assembly; and declaring an emergency.

Thereupon, all other busines was suspended, said bills and said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills and said resolutions which originated in the Senate be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said bills which originated in this House to the Senate.

After a time, the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills which originated in the House duly signed by the President of the Senate.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

H. B. No. 175. AN ACT relating to compensation of reporters for circuit courts of continuous session in counties having

a population of less than 150,000 and in circuit courts not of continuous session in counties containing a city of the second class, amending Section 28.450 of the Kentucky Revised Statutes.

With an amendment thereto by way of substitute therefor as proposed and adopted by the Senate.

Which was reported from the Senate on today.

(For bill see H.J. of March 14, 1950, ante)

(For amendment to said bill by way of substitute therefor as proposed and adopted by the Senate see H.J. of today, ante)

Mr. Hanratty moved that the House do now concur in said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate.

Said motion was agreed to.

Thereupon, said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate was concurred in.

Said bill was then passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Paul E. Hayes	Jack McPherron
Clarence J. Barnum	William K. Henry	Alton Mitchell
C. E. Baumgardner	E. R. Hilton	Archie R. Moore
John D. Beatty	Woodrow W. Hollan	Walter R. Moorman
Fred Beshear	Chester J. Holsclaw	Fred H. Morgan
Edw. O. Bridgers	W. M. Horn	C. S. Nabb
J. D. Buckman, Jr.	Richard R. Houpt	Dr. C. E. Palmore
Mrs. M. E. Burnett	Robert N. Hubbard	James H. Polsgrove
Charles W. Burnley	Silas Jacobs	W. R. Reasor
Alex Calvert	Paul S. Jonas	Carl J. Ruh
Paul Combs	Mrs. J. T. Linton	Amos Runyan
R. Josh Cosby	Homer E. Losey	LeRoy Saylor
G. I. Drury	Harry K. Lowman	Roy Searcy
Thomas R. Duncan	True Mackey	Paul E. Shannon
James P. Hanratty	Damon Majors	Gus Sheehan, Jr.
George F. Harris	John Martin	Forest Smith

Joseph T. Snapp	Rev. T. H. Tinsley	Harry Lee Waterfield
Roy Steers	Ralph N. Walter	Morris Weintraub
Mrs. Thelma Stovall	Fred M. Warns	Charles W. Wirsch
M. G. Thompson		—58

Those who voted in the negative were—

Stanley Carter	C. A. Hammons	Durham W. Howard
R. C. Estepp, Sr.	Harold G. Helm	Barkley Jones
Henry C. Hale	Ray Holbrook	G. F. Williamson
		—9

Mr. Hanratty moved that the House do now concur in the title to said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate.

Said motion was agreed to.

Resolved that the title thereof be as amended.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Moorman moved that the report of the Committee on Conference heretofore appointed to settle the differences between the two Houses regarding a bill of the following title, viz:

S. B. No. 179. AN ACT relating to licensing, inspection and regulation of hospitals.

Be laid on the table.

Mr. Waterfield raised the point of order that said motion was out of order inasmuch as the report of the Committee on Conference had not been filed with the Clerk.

The Speaker ruled the point of order as raised by Mr. Waterfield well taken and the motion as made by Mr. Moorman out of order.

Mr. Burnley of the Committee on Conference heretofore appointed by the Speaker to confer with a like Committee on the

part of the Senate for the purpose of settling the differences between the two Houses concerning a bill of the following title, viz:

S. B. No. 179. AN ACT relating to licensing, inspection, and regulation of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing its powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

Offered the following report, viz:

The Committee on Conference have met and considered the House amendment to Senate Bill No. 179 and after consideration and discussion do respectfully report and recommend that the House recede from the amendment.

s/ Louis Cox
s/ R. F. Jasper
s/ J. D. Buckman, Jr.
s/ Durham W. Howard

Mr. Burnley did not agree to the Committee's recommendation.

s/ C. W. Burnley

Mr. Durham W. Howard then moved that the House do now accept the Report of the Committee on Conference.

The yeas and nays being required thereon by Mr. Burnley and Mr. Smith were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Paul Combs	Amos Runyan
John D. Beatty	R. Josh Cosby	Dr. Roy Sanders
J. D. Buckman, Jr.	John A. Head	Jesse H. Shelton
Mrs. M. E. Burnett	Durham W. Howard	W. R. Stringer
Alex Calvert		

—13

Those who voted in the negative were—

Bill Adams	Chester J. Holsclaw	W. R. Reasor
Edgar Arnett	W. M. Horn	Carl J. Ruh
Clarence J. Barnum	Richard R. Houpt	LeRoy Saylor
C. E. Baumgardner	Robert N. Hubbard	Roy Searcy
Leonard T. Bean	Silas Jacobs	Paul E. Shannon
Fred Beshear	Barkley Jones	Gus Sheehan, Jr.
Edw. O. Bridgers	William Jones	Forest Smith
Charles J. Bronston	James W. Lambert	Joseph T. Snapp
Charles W. Burnley	Homer E. Losey	John M. Spaulding
Stanley Carter	True Mackey	Roy Steers
Owen Deering	Damon Majors	Raymond D. Stigall
G. I. Drury	John Martin	Egbert V. Taylor
Thomas R. Duncan	G. Lee McClain	Ralph N. Walter
R. C. Estepp, Sr.	Alton Mitchell	Fred M. Warns
Henry C. Hale	Archie R. Moore	Harry Lee Waterfield
C. A. Hammons	Emmett G. Moore	Lyle H. Webb
Harold G. Helm	Walter R. Moorman	Morris Weintraub
William K. Henry	Fred H. Morgan	G. F. Williamson
E. R. Hilton	Dr. C. E. Palmore	Charles W. Wirsch
Ray Holbrook	Leonard W. Preston	—59

Thereupon, said motion was disagreed to, and

Thereupon, said Report of the Committee on Conference was rejected.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a resolution of the following title, viz:

H. Res. No. 13. A JOINT RESOLUTION authorizing Marlene Bartley of Lookout, Pike County, Kentucky, by her guardian or next friend to sue the Commonwealth of Kentucky.

Thereupon, all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolution duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said resolution be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hanratty moved that the House do now take up for immediate consideration a bill of the following title, viz:

S. B. No. 168. AN ACT proposing an amendment to the Constitution relating to the imposition of additional taxes for the purpose of enabling payment of a bonus to war veterans.

Which was reported from the House on today with the request from the Senate that the House recede from amendments to said bill as previously proposed and adopted by the House.

(For bill and amendments see H.J. of March 14, 1950, ante)

Said motion was agreed to.

Mr. Hanratty moved that the House do now recede in said amendments to said bill as previously proposed and adopted by the House.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the negative were—

Bill Adams	C. E. Baumgardner	Charles J. Bronston
Edgar Arnett	Leonard T. Bean	J. D. Buckman, Jr.
Sidney Baer	John D. Beatty	Charles W. Burnley
Clarence J. Barnum	Fred Beshear	Alex Calvert

Stanley Carter	Paul S. Jonas	Amos Runyan
Paul Combs	Barkley Jones	Dr. Roy Sanders
R. Josh Cosby	William Jones	LeRoy Saylor
Owen Deering	James W. Lambert	Roy Searcy
G. I. Drury	Homer E. Losey	Paul E. Shannon
Thomas R. Duncan	A. L. (Chick) Love	Gus Sheehan, Jr.
R. C. Estepp, Sr.	Harry K. Lowman	Jesse H. Shelton
Henry C. Hale	True Mackey	Forest Smith
C. A. Hammons	Damon Majors	Joseph T. Snapp
George F. Harris	John Martin	John M. Spaulding
Paul E. Hayes	G. Lee McClain	Roy Steers
John A. Head	Alton Mitchell	Raymond D. Stigall
Harold G. Helm	Archie R. Moore	Mrs. Thelma Stovall
William K. Henry	Emmett G. Moore	W. R. Stringer
E. R. Hilton	Walter R. Moorman	Egbert V. Taylor
Ray Holbrook	Fred H. Morgan	Ralph N. Walter
Woodrow W. Hollan	C. S. Nabb	Fred M. Warns
Chester J. Holsclaw	Dr. C. E. Palmore	Harry Lee Waterfield
W. M. Horn	James H. Polsgrove	Lyle H. Webb
Durham W. Howard	Leonard W. Preston	Morris Weintraub
Robert N. Hubbard	W. R. Reasor	G. F. Williamson
Silas Jacobs	Carl J. Ruh	Charles W. Wirsch

—78

Thereupon, said motion was disagreed to.

Mr. Hanratty then moved that the Speaker be authorized and directed to appoint a Committee on Conference on the part of the House and request the Senate to appoint a like Committee on the part of the Senate to confer and settle the differences between the two Houses.

Said motion was agreed to.

The Speaker announced the names of Messrs. Snapp, Steers and Preston as members constituting said Committee on the part of the House to settle the differences between the two Houses.

Ordered that the Chief Clerk of the House report the action of the House to the Senate.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 175. AN ACT relating to compensation of reporters for circuit courts of continuous session in counties having a population of less than 150,000.

S. B. No. 274. AN ACT relating to statutory liens.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the bill which originated in the Senate be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk deliver said bill which originated in the House to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate, into the possession of the Chief Clerk of the House.

Ordered that said bill be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Snapp of the Committee on Conference heretofore appointed by the Speaker of the House to confer with a like Committee on the part of the Senate for the purpose of settling the differences between the two Houses concerning a bill of the following title, viz:

S. B. No. 168. AN ACT proposing an amendment to the Constitution relating to the imposition of additional taxes for the purpose of enabling payment of a bonus to war veterans.

Offered the following report, viz:

The Committee on Conference met and considered the House amendment to Senate Bill No. 168 and do hereby report that they were unable to reach an agreement.

s/ Roy L. Steers
s/ Jos. T. Snapp
s/ Leonard W. Preston
s/ Edward C. Gallagher
s/ Clay Shackelford
s/ Louis Cox

Mr. Steers moved that the Chief Clerk of the House be authorized and directed to request the Senate to return said bill to the House.

Said motion was agreed to.

After a time, the Chief Clerk aforesaid reported that he had discharged the duty imposed upon him and that the Senate had adjourned sine die and the Chief Clerk of the Senate had informed him that he had no authority to return said bill to the House.

Mr. Hanratty moved that the Senate appoint a Committee of the House to wait upon the Governor and inform him that the House has completed the business before him and is now ready to adjourn sine die, and to inquire whether the Governor has a further communication to make.

Said motion was agreed to.

Thereupon, the Speaker appointed Messrs. Hanratty, Saylor, Tinsley, Calvert and Durham W. Howard as members constituting said committee.

After a time, the Committee aforesaid reported that they had discharged the duty imposed upon them and that they had been informed by the Governor that he had no further communication to make.

The Journals of the House were then read and compared and approved by the House.

And then the House adjourned sine die.

APPROVED:

ADRON DORAN, Speaker
House of Representatives

ATTEST: ERVIN SANDERS, Chief Clerk
House of Representatives

INDEX

to

HOUSE JOURNAL

REGULAR SESSION

of the

GENERAL ASSEMBLY

1950

Volume 1, Pages 3 to 1215

Volume 2, Pages 1219 to 2320

Volume 3, Pages 2323 to 3653

Volume 4, Pages 3657 to 4259

INDEX

(House bills are indexed according to subject matter, also under the heading "House Bills." The subject matter index is to the page on which the Bill was introduced. For subsequent legislative action on the Bill, locate the Bill number under the heading "House Bills." The number indicating the page on which a vote was taken on a Bill is printed in bold type. The same principle applies to House Resolutions.)

Page

ABSENT VOTING
Provisions concerning (H. B. 219) 978

ACTS, LEGISLATIVE
Number of volumes to be printed (H. B. 244) 1102

ADAMS, BERNAM
Bills and Resolutions introduced: H. B. 87 (418), H. R. 30 (1130), H. R. 31 (1131), H. B. 311 (1493), H. B. 380 (1788), H. B. 400 (1877), H. R. 59 (2097)
Committees served on ..... 202 to 216

ADAMS, BILL
Bills and Resolutions introduced: H. B. 36 (155), H. B. 200 (930), H. B. 390 (1861), H. B. 64 (2168), H. B. 442 (2644)
Committees served on ..... 47, 202 to 216, 2207

ADDRESS BY GOVERNOR 2648

ADJUTANT GENERAL
Rank of (H. B. 92) 430

ADMISSION TAXES—see also REVENUE AND TAXATION
Admissions to events held in city-owned public projects to be exempt from (H. B. 393) 1870

ADOPTION
Adult persons, of, authorized (H. B. 445) 2683
Children, of, provisions concerning (H. B. 384) 1800
Provisions concerning (H. B. 450) 2707
Resolution directing Legislative Research Commission to investigate adoption laws and procedures (H. R. 66) 2228

ADULTS
Adoption of, authorized (H. B. 445) 2683

ADVERSE POSSESSION
Period of limitation for obtaining title to real property (H. B. 114) 494

AERONAUTICS, DEPARTMENT OF
Resolution calling for investigation of (H. R. 3) 70
Use of certain funds of, restrictions on (H. B. 481) 3206

AGE, MISREPRESENTATION OF
Made a misdemeanor (H. B. 185) 906

Page

AGRICULTURAL EXPERIMENT STATION
Seeds, agricultural, program for development of (H. B. 162) 849

AGRICULTURAL SEEDS
Certification of (H. B. 15) 112
Development of, program of Agricultural Experiment Station for (H. B. 162) 849
Label requirements (H. B. 16) 113
Tobacco seeds, regulations as to (H. B. 16) 113

AGRICULTURE, DEPARTMENT OF
Dairy statistics, collection and publication of (H. B. 39) 184
Division of Weights and Measures, provisions for (H. B. 41) 185
Poultry and hatching eggs, inspection and regulation of sale of (H. B. 51) 245
Revolving funds, consolidation of (H. B. 35) 154
Veterinarian, deputy state, increase in maximum salary of (H. B. 423) 2001

AGRICULTURE, STATE BOARD OF
Duties of (H. B. 40) 185

ALCOHOLIC BEVERAGES—see also MALT BEVERAGES
Distilled spirits tax, increase in (H. B. 189) 908
(H. B. 226) 1014
Malt beverage tax, increase in (H. B. 190) 910
(H. B. 226) 1014
(H. B. 355) 1706
Malt, non-intoxicating, tax on (H. B. 358) 1733
Minors prohibited on licensed premises (H. B. 7) 45
Places where may be sold by the drink (H. B. 108) 490
Prohibition of, State-wide (H. B. 435) 2167
Sale of, in first class cities, location and hours of (H. B. 323) 1533
State monopoly on sale of (H. B. 71) 351
Tax on (H. B. 97) 463

AMUSEMENT TAX—see also REVENUE AND TAXATION
Payment, method of (H. B. 137) 813
Repeal of (H. B. 266) 1186
Reports, time of (H. B. 137) 813

ANNEXATION
Consolidation of various incorporated and unincorporated areas in Campbell County into one city (H. B. 309) 1488

ANNEXATION BY CITIES
Unincorporated territory, annexation by second class city (H. B. 396) 1873

APPEALS IN CRIMINAL PROCEEDINGS
Provisions concerning (H. B. 240) 1097

APPROPRIATIONS Page
Biennial appropriation bill (H. B. 14) 77
Children's Hospital in Louisville, for (H. B. 346) 1654
Committee on Functions and Resources of State Government, for (H. B. 449) 2704
Common School Fund, supplemental appropriation to (H. B. 63) 345
Contingent funds for clerks (H. R. 1) 38
(H. R. 73) 2916
Education, supplemental appropriation for (H. B. 447) 2685
General Assembly, for expenses of (H. B. 458) 2828
Governor's message concerning 49
Gross receipts tax, for purpose of administering (H. B. 291) 1275
Pauper idiots, for (H. B. 386) 1821
Premiums for county and community fairs, for (H. B. 392) 1868
Prior year claims, for payment of (H. B. 398) 1876
(H. B. 472) 3032
Purebred cattle industry, for development and promotion of (H. B. 422) 1998
Resolution by Leonard Preston to appropriate more money for education 2155
Roll call system, electric, for House of Representatives (H. B. 335) 1585
Schools
Supplemental appropriation for, out of appropriation to the State Property and Buildings Commission (H. B. 83) 403
Supplemental appropriation for (H. B. 63) 345
Transportation system, for, out of appropriation to State Property and Buildings Commission (H. B. 83) 403
Service medal for veterans, for (H. B. 287) 1269
State budget bill (H. B. 14) 77
State Property and Building Commission, to, reappropriation of part of, for school purposes (H. B. 83) 403
State Road Fund appropriations (H. B. 148) 823
Teachers' salaries, to supplement (H. B. 5) 42
Teacher training, in-service training, for program for (H. B. 455) 2762

ARCHITECTURE, PRACTICE OF
One member of firm or partnership must be licensed architect (H. B. 292) 1331

ARNETT, EDGAR
Bills and Resolutions introduced: H. B. 200 (930)
Committees served on: 202 to 216

ARREST WITHOUT A WARRANT
Proceedings on (H. B. 222) 998

ATTORNEY-GENERAL
Assistant for Department of Finance (H. B. 242) 1099

ATTORNEYS
Compensation of court-appointed attorneys (H. B. 264) 1185
Membership dues in State Bar Association, increase in (H. B. 282) 1264
State Bar Examination, process of reporting results of (H. R. 8) 243

Page

AUCTIONEERS
Licensing of (H. B. 123) 785

AUGUSTA, CITY OF
Change of classification of (H. B. 337) 1537

BAER, SIDNEY
Bills and Resolutions introduced: H. B. 101 (476), H. B. 135 (809), H. B. 136 (812), H. B. 137 (813), H. B. 186 (906), H. B. 271 (1229), H. B. 275 (1252), H. B. 292 (1331), H. R. 40 (1519), H. B. 345 (1653), H. B. 346 (1654), H. B. 356 (1727), H. B. 357 (1728), H. B. 365 (1768), H. B. 366 (1770), H. B. 384 (1800), H. B. 405 (1933), H. B. 431 (2160), H. R. 68 (2231), H. B. 437 (2235), H. B. 444 (2658), H. B. 445 (2683), H. B. 450 (2707), H. B. 467 (2891)
Committees served on ..... 11, 202 to 216, 2109

BAILEY, WALTER J.
Bills and Resolutions introduced: H. B. 172 (873), H. B. 200 (930)
Committees served on ..... 202 to 216

BAKER, MRS SALLY
"Queen of America," Introduction to House 446

BAR EXAMINATION, STATE
Admission to practice without examination (H. B. 69) 350
Results of, process of reporting (H. R. 8) 243

BARBITURATES
Sales of, regulation of (H. B. 262) 1175

BARNUM, CLARENCE J.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 268 (1194), H. R. 40 (1519)
Committees served on ..... 202 to 216

BASKETBALL
Eastern Kentucky State College team congratulated for winning O. V. C. Tournament (H. R. 62) 2158

BAUMGARDNER, CHARLES E.
Bills and Resolutions introduced: H. B. 87 (418), H. B. 259 (1168), H. R. (1519)
Committees served on ..... 47, 202 to 216, 2109

BEAN, LEONARD T.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 206 (959), H. B. 207 (959), H. R. 40 (1519), H. B. 325 (1534), H. R. 76 (3207)
Committees served on ..... 202 to 216, 2647

BEATTY, JOHN D.
Bills and Resolutions introduced: H. R. 9 (267), H. B. 61 (268), H. B. 77 (397), H. B. 200 (930), H. B. 216 (967), H. B. 305 (1361), H. B. 360 (1737), H. R. 47 (1767), H. R. 76 (3207)
Committees served on ..... 202 to 216

Page

BEAUCHAMP, EMERSON "DOC"
Commanded to aid Navy in freeing U.S.S. Missouri from mud bank (H. R. 25) 937

BESHEAR, FRED
Bills and Resolutions introduced: H. B. 87 (418), H. B. 293 (1332), H. B. 305 (1361), H. B. 425 (2091)
Committees served on ..... 202 to 216, 2109

BILLS—See HOUSE BILLS-SENATE BILLS

BIRTH CERTIFICATES
Copy to be furnished to registrar of county of mother's residence (H. B. 387) 1821

BLEVINS, R. O.
Bills and Resolutions introduced:
Committees served on ..... 202 to 216

BLIND PERSONS
White canes, use of, and traffic regulations concerning (H. B. 213) 964

BLUE LICKS BATTLEFIELD STATE PARK
Curtis, W. J., authorized to be buried therein (H. R. 45) 1745

BOARD OF CLAIMS
Jurisdiction extended (H. B. 217) 967

BOILER OPERATORS
Stationary, licensing and regulation of (H. B. 343) 1597

BONDS OF STATE OFFICERS AND EMPLOYES
Provisions for blanket bond (H. B. 131) 797

BONUS, VETERANS
Constitutional Amendments to provide for (H. B. 76) 394
(H. B. 98) 418
(H. B. 316) 1497

BOOKENDS
Made from Kentucky iron ore by University of Kentucky Department of Mining and Metallurgical Engineering, expressing appreciation for offer of (H. R. 79) 3661

B. P. O. E.
January 31, 1950, declared as "Elks" night in the General Assembly (S. R. 24) 936

BOTTLED GAS
Licensing and regulation of business of (H. B. 471) 3029

BRADLEY, L. E.
Bills and Resolutions introduced: H. B. 200 (930)
Committees served on ..... 202 to 216

BRIDGERS, EDWARD O.
Bills and Resolutions introduced: H. B. 129 (790), H. B. 200 (930), H. R. 40 (1519), H. B. 342 (1591), H. B. 409 (1946), H. B. 456 (2763)
Committees served on ..... 202 to 216

BRIDGES Page
Resolution calling for construction of "Ed Gatliff Memorial Bridge" (H. R. A3) ... 147
Toll bridges, transfer of sinking funds concerning (H. B. 157) ... 844

BRITTON, THOMAS L.
Bills and Resolutions introduced: H. B. 33 (153), H. B. 52 (246), H. B. 200 (930), H. B. 252 (1108), H. B. 470 (2910), H. R. 75 (3041)
Committees served on ... 202 to 216

BRONSTON, CHARLES J.
Bills and Resolutions introduced: H. B. 87 (418), H. B. 463 (2888)
Committees served on ... 202 to 216,

BRUSHLAND AREAS
Fires near, provisions concerning (H. B. 369) ... 1773

BUCKMAN, J. D., JR.
Bills and Resolutions introduced: H. B. 110 (491), H. B. 132 (798), H. B. 138 (813), H. B. 139 (814), H. B. 140 (815), H. B. 180 (894), H. B. 200 (930), H. B. 294 (1340), H. B. 326 (1536), H. B. 336 (1586), H. B. 368 (1772), H. B. 379 (1788), H. B. 392 (1868), H. B. 424 (2081), H. R. 76 (3207)
Committees served on ... 202 to 216, 2647

BUDGET, STATE
Biennial appropriation bills (H. B. 14) ... 77
Governor's message concerning ... 49
Governor's recommendations ... 135

BUILDING AND LOAN ASSOCIATIONS
Amendment of articles and bylaws (H. B. 119) ... 772
(H. B. 143) ... 818

BUILDING CODES
Counties may adopt (H. B. 274) ... 1251

BURNETT, MRS. MARY ELIZABETH
Bills and Resolutions introduced: H. B. 262 (1175), H. B. 263 (1177), H. B. 424 (2081)
Committees served on ... 37, 47, 69, 202 to 216, 2109

BURNLEY, CHARLES W.
Bills and Resolutions introduced: H. B. 3 (41), H. B. 5 (421), H. B. 8 (45), H. B. 9 (46), H. B. 46 (232), H. B. 87 (418), H. B. 106 (485), H. B. 145 (820), H. B. 153 (842), H. B. 154 (843), H. B. 160 (846), H. B. 161 (847), H. B. 200 (930), H. B. 392 (1868), H. B. 396 (1873), H. B. 401 (1878), H. R. 52 (1884), H. B. 438 (2237), H. B. 457 (2827), H. B. 478 (3204)
Committees served on ... 202 to 216, 2109

BUSINESS TRANSACTIONS
Merchant may require credit statement from customer (H. B. 21) 120

Page

CALVERT, ALEX H.
Bills and Resolutions introduced: H. B. 15 (112), H. B. 16 (113), H. B. 162 (849), H. B. 270 (1209), H. B. 458 (2828), H. B. 482 (3410)
Committees served on....202 to 216, 2109, 4258

CAMPBELL COUNTY
New city in, from consolidation of various incorporated and unincorporated areas (H. B. 309).... 1488

CANES, WHITE
Use by blind person (H. B. 213).... 964

CAPITAL PUNISHMENT
Abolition of (H. B. 344).... 1606

CARTER, STANLEY
Bills and Resolutions introduced: H. B. 150 (838), H. B. 184 (904), H. B. 185 (906), H. B. 200 (930), H. B. 32 (1132), H. B. 264 (1185), H. B. 383 (1799)
Committees served on....202 to 216

CATTLE
Running at large, statewide prohibition concerning (H. B. 115).... 495

CATTLE, PUREBRED
Development and promotion of industry (H. B. 422).... 1998

CEMETERY ASSOCIATIONS
Unemployment compensation, certain associations excluded from "covered employment" (H. B. 197).... 917

CENSUS WEEK, NATIONAL
April designated as (H. R. 77).... 3376

CENTRAL STATE HOSPITAL
Establishment of reception and treatment center for mental patients (H. B. 275).... 1252

CHAIN STORES
Gross receipts tax on (H. B. 462).... 2881

CHECKS—See also STATE WARRANTS
Cancelled, Highway Department, of, disposal of (H. B. 158).... 844
Employer to furnish check cashing service for employes (H. B. 238).... 1096

CHEMICAL PLANTS
Prohibited within ten miles of first class cities (H. B. 324).... 1534

CHILDREN
Adoption laws and procedures, resolution directing Legislative Research Commission to investigate (H. R. 66).... 2228
Adoption and welfare of, provisions concerning (H. B. 384).... 1800
Circuit courts to have control of juvenile affairs (H. B. 101).... 476
Commission on Juvenile Affairs, provision for (H. B. 101).... 476
Handicapped, education of (H. B. 456).... 2763

CHILDREN—Continued Page
Legislative Research Commission directed to make investigation of welfare laws concerning (H. B. 450) 2707
Welfare of, miscellaneous amendments to laws concerning (H. B. 450) 2707
Welfare laws concerning, resolution directing Legislative Research to investigate (H. R. 68) 2231

CHILDREN'S CODE
Legislative Research Commission to make survey of (H. R. 40) 1519
(H. R. 68) 2231

CHILDREN'S HOSPITAL, LOUISVILLE
Appropriation for (H. B. 346) 1654

CHILD LABOR
Employment in public bowling alleys prohibited (H. B. 409) 1946

CHILD WELFARE
Advisory Council for, provisions for (H. B. 384) 1800
Division of, provisions for (H. B. 384) 1800
Legislative Research Commission to make survey of (H. R. 40) 1519

CHILD WELFARE, DIVISION OF
Placed under Department of Economic Security (H. B. 450) 2707

CIGARETTES
Tax on, increase (H. B. 226) 1014
(H. B. 355) 1706
Unfair trade practices concerning sale of (H. B. 130) 790

CIRCUIT COURTS
Change of counties in
2nd District (H. B. 297) 1343
(H. B. 46) 232
3rd District (H. B. 297) 1343
(H. B. 46) 232
4th District (H. B. 297) 1343
(H. B. 46) 232
6th District (H. B. 297) 1343
7th District (H. B. 297) 1343
28th District (H. B. 75) 392
29th District (H. B. 75) 392
38th District (H. B. 297) 1343
Compensation of stenographic reporters in (H. B. 415) 1976
(H. B. 477) 3203
Continuous session in 35th district (H. B. 320) 1529

CIRCUIT COURT CLERKS
Fees, increase in (H. B. 233) 1042
Jurisdiction concerning parent or husband guilty of desertion or failure to support (H. B. 182) 902
Juvenile affairs, control of (H. B. 101) 476
New districts created
40th, (H. B. 75) 392

CIRCUIT COURT CLERKS—Continued Page
42nd (H. B. 46) 232
(H. B. 297) 1343
Procedure when conducted by special judges (H. B. 453) 2727
Special judges, compensation and expenses of (H. B. 80) 400
Special judges, procedure when orders signed by (H. B. 453) 2727
Stenographic reporters, compensation of, in counties having a population of 150,000 or more (H. B. 332) 1581
Stenographic reporters for, number and compensation of (H. B. 327) 1578
Terms in
2nd District (H. B. 438) 2237
10th District (H. B. 326) 1536
24th District (H. B. 37) 156
35th District (H. B. 320) 1529

CITIES
Generally
Incorporation of, area limitation (H. B. 321) 1530
Licensure of motor vehicles for doing business in, repeal of provision requiring licensure in more than one city (H. B. 457) 2827
Meeting of boards of commissioners in cities having city manager forms of government, limits of (H. B. 22) 120
Ownership and operation of gas systems authorized (H. B. 459) 2828
Parking meters, lease of advertising space on (H. B. 159) 845
Public projects acquired by, and admission to events held therein, to be tax exempt (H. B. 393) 1870
Reappraisal for ad valorem taxes in (H. B. 401) 1878
Streets, viaducts and bridges which connect state highway system, regulation of traffic on, by Highway Department (H. B. 368) 1772
First Class
Alcoholic beverages, location and hours for sale of (H. B. 323) 1533
Chemical plants prohibited within ten miles of (H. B. 324) 1534
License taxes in, restrictions on (H. B. 377) 1785
Planning and zoning in (H. B. 259) 1168
(H. B. 268) 1194
Prosecuting attorneys in (H. B. 427) 2093
Public utilities in, to furnish customer information to tax commissioner (H. B. 254) 1109
Tax bills, date of payment and discounts on (H. B. 356) 1727
Waterworks in, officers and employes of (H. B. 186) 906
Second Class
Annexation of unincorporated territory by (H. B. 396) 1873
City manager, removal of (H. B. 31) 151
Civil service employes (H. B. 214) 965
Firemen, working hours and vacation (H. B. 58) 254
Ordinances, publication of (H. B. 86) 417
Police and firemen's pension funds, miscellaneous provisions (H. B. 318) 1524
Police courts, selection of jurors (H. B. 121) 783

CITIES—Continued Page
Police, working and vacation hours of (H. B. 248) 1105
Primary elections in cities having city manager form of government (H. B. 20) 118
Public ways and alleys, alternate method of improvement (H. B. 299) 1348
Public ways in, method of constructing and maintaining (H. B. 298) 1347
Regulation of business of electrical contracting in (H. B. 478) 3204
Removal of member of board or commission, provision for (H. B. 177) 877
Third Class
Civil service employes (H. B. 214) 965
Hazard, transferred to third class (H. B. 253) 1108
Police and firemen's pension funds, miscellaneous provisions (H. B. 318) 1524
Police, working hours of (H. B. 17) 116
Police and firemen, working hours and vacation (H. B. 54) 249
Primary elections in cities having city manager form of government (H. B. 20) 118
Fourth Class
Augusta, transferred to fourth class (H. B. 337) 1587
Council members in, qualifications of (H. B. 425) 2091
Falmouth, transferred to fourth class (H. B. 314) 1494
Jurisdiction of police officers in (H. B. 483) 3411
London, transferred to fourth class (H. B. 215) 966
Martin, transfer to 4th class (H. B. 183) 904
Members of council, election of (H. B. 206) 959
Owingsville, transfer to 4th class (H. B. 172) 873
Police, working hours of (H. B. 265) 1185
Police and firemen, working hours and vacation (H. B. 54) 249
Primary elections in cities having city manager form of government (H. B. 20) 118
Salyersville, transferred to fourth class (H. B. 433) 2162
Two policemen to be on duty at all times (H. B. 352) 1697
Vanceburg, transferred to fourth class (H. B. 439) 2301
Fifth Class
Hodgenville, transferred to fifth class (H. B. 347) 1655
Jamestown, transfer to 5th class (H. B. 90) 429
Jurisdiction of police officers in (H. B. 483) 3411
Lebanon Junction, transferred to fifth class (H. B. 379) 1788
Munfordville, transfer to 5th class (H. B. 109) 490
Shepherdsville, transferred to fifth class (H. B. 336) 1586
Walton, transfer to 5th class (H. B. 203) 956
Sixth Class
City marshals, compensation of deputies (H. B. 91) 429
Jurisdiction of police officers in (H. B. 483) 3411

CITIZENSHIP
Course in, required in ninth grade of all common schools (H. B. 128) 789

CITY MARSHALS
Deputies, compensation of (H. B. 91) ... Page 429

CIVIL CODE COMMITTEE
Provisions for, to study revision of Civil Code of Practice (H. B. 165) ... 868

CIVIL CODE OF PRACTICE
Exceptions, requirement for making, time for bill of (H. B. 239) 1097
Exceptions to depositions (H. B. 247) ... 1105
Provisions for committee to study revision of (H. B. 165) ... 868
Service of process in annulment actions (H. B. 362) ... 1739
Transcript of evidence, time for filing (H. B. 43) ... 225

CIVIL SERVICE
County employes, for (H. B. 267) ... 1186
Employes in second and third class cities (H. B. 214) ... 965

CIVIL SERVICE, DEPARTMENT OF
Provisions for (H. B. 38) ... 156

CLAIMS AGAINST THE STATE
Prior year claims, payment of (H. B. 398) ... 1876
(H. B. 472) ... 3032

CLAIMS, RESOLUTIONS FOR PAYMENT OF
Alsop, F. J. (H. R. 9) ... 267
Decker, Teddy C. (H. R. 23) ... 894
Hibbard, G. G. (H. R. 75) ... 3041
Miller, Clarence, estate of (H. R. 52) ... 1884
Perkins, Coye (H. R. 33) ... 1286
Shaw, Egerton (H. R. 58) ... 2001
Watson, Hager (H. R. 49) ... 1824
Watts, Elmine (H. R. 54) ... 1977
Wilson, C. B. (H. R. 32) ... 1132

CLARK'S RIVER
Resolution memorializing Congress to provide adequate flood control of (H. R. 67) ... 2230

CLAY MINING
Production tax on clay (H. B. 225) ... 1013

CLERK OF HOUSE
Appropriation for contingent fund (H. R. 1) ... 38
Assistant clerk, election, oath ... 12, 13
Election, oath ... 12, 13

CLERK OF THE SENATE
Contingent fund for, appropriation for (H. R. 1) ... 38

CLOAKROOM KEEPER
Election, oath ... 12, 13

Page

COAL
Production tax on (H. B. 110) ... 491
(H. B. 163) ... 867
Sales slip required with sale of (H. B. 190) ... 911
Strip mining of, regulation of (H. B. 293) ... 1332

CODES OF PRACTICE—See also CIVIL CODE OF PRACTICE—CRIMINAL CODE OF PRACTICE
Time testimony in chief may be given (H. B. 30) ... 151

COIN-OPERATED VENDING MACHINES
Repeal of tax on (H. B. 100) ... 475
Tax on (H. B. 178) ... 873
(H. B. 270) ... 1209

COMBS, PAUL
Bills and Resolutions introduced: H. B. 200 (930), H. B. 253 (1108), H. B. 305 (1361), H. B. 390 (1861), H. B. 416 (1994), H. B. 417 (1995), H. R. 72 (2915)
Committees served on ... 202 to 216, 2109

COMMITTEE ON FUNCTIONS AND RESOURCES OF STATE GOVERNMENT
Provisions for (H. B. 449) ... 2704

COMMITTEES
Adjournment, to notify Governor of completion of business ... 4258
Appropriations Committee ... 47
Civil Code Committee to study revision of Civil Code of Practice (H. B. 165) ... 868
House Journal, provisions for committee to investigate recording and making up of Journal for proceedings of January 10, 1950 (H. R. 18) ... 862
Organization of House, to notify Governor and Senate of (H. R. C.) ... 37
Rules Committee, membership of ... 2109, 2207
Rules Committee, resolution concerning method of operation of (H. R. 63) ... 2159
Speaker, to inform him of his election ... 11
Standing Committees
Membership of ... 202 to 216
Provision for, in rules ... 22
To investigate affairs and activities of State Textbook Commission (H. B. 486) ... 3414
To meet with Senate committee to settle differences concerning (S. B. 168) ... 4256
To notify Senate of joint meeting to hear Governor ... 69

COMMONWEALTH'S ATTORNEYS
Authorized to appoint district detectives in certain counties (H. B. 417) ... 1995
Compensation of (H. B. 333) ... 1583

COMPENSATION OF PUBLIC OFFICERS AND EMPLOYES
Provisions for (H. B. 448) ... 2689

Page

COMPRESSED GAS
Licensing and regulation of business of (H. B. 471) 3029

CONDEMNATION
Alternative method of (H. B. 139) 814
Flood wall, for (H. B. 376) 1782
Highway, Department of, for use of (H. B. 138) 813

CONSERVATION, DEPARTMENT OF
Resolution electing that department was operating under Workmen's Compensation at time of death of Luther E. Sowders (H. R. 41) 1520
Soil conservation program placed under (H. B. 412) 1950

CONSTABLES
Deputies, number limited (H. B. 232) 1042

CONSTITUTIONAL AMENDMENTS
Ad valorem taxes, state, authorize exemption of real estate from (H. B. 11) 64
Free textbooks to be furnished sectarian and denominational (H. B. 474) 3037
Gross income tax, to provide, for bonus to veterans, per capita fund and public assistance (H. B. 316) 1497
Lottery on Kentucky Derby, to allow, to pay veterans' bonus (H. B. 87) 418
Lower voting age to 18 (H. B. 126) 788
Revenue and Taxation, authorize exemption of real estate from state ad valorem tax (H. B. 11) 64
To provide for additional courts (H. B. 482) 3410
Veteran's bonus, provision for (H. B. 76) 394

CONSTITUTIONAL OFFICERS
State officers, payment of monthly expense allowance to (H. B. 484) 3413

CONTRACEPTIVE DEVICES
Excise tax on sale of (H. B. 451) 2725

CONTRACTS
Married women may contract as surety (H. B. 12) 65
(H. B. 107) 489

CONTRACTS, STATE
Materials, supplies and equipment, for, manner of advertising and letting (H. B. 243) 1100

CONVEYANCES
Deeds offered for record, requirements of (H. B. 419) 1995
Deeds or bills of sale concerning property conveyed to state, purchase price to be set out on face of (H. R. 480) 3205

COOPER, HONORABLE JOHN SHERMAN
Resolution inviting, to address House of Representatives (H. R. 50) 1848

CORONERS Page
Compensation of (H. B. 68) 349
(H. B. 79) 400

CORPORATIONS
Corporate shares of certain corporations not required to be listed for tax purposes (H. B. 284) 1266
Employes, time of payment of (H. B. 42) 191
Income taxation, provisions concerning (H. B. 281) 1259
Time of payment of wages by (H. B. 406) 1942

COSBY, JOSH R.
Bills and Resolutions introduced: H. R. 62 (2158), H. B. 432 (2161)
Committees served on 202 to 216

COUNTIES
Building codes, may adopt (H. B. 274) 1251
Compensation of certain officers for road work in counties containing 3rd class cities (H. B. 311) 1493
Employes of, civil service and pensions for (H. B. 267) 1186
Police forces, compensation of (H. B. 94) 432
Reappraisal for ad valorem taxes in (H. B. 401) 1878
Subdivision roads in certain counties, maintenance of by fiscal court (H. B. 23) 12

COUNTY ATTORNEYS
Additional assistants authorized in counties having a population of 250,000 or more (H. B. 437) 2235
Assistants in certain counties, provisions for repealed (H. B. 363) 1740
Compensation for road work in certain counties (H. B. 311) 1493
Stenographers or clerks of, in certain counties, compensation of (H. B. 81) 401

COUNTY COMMISSIONERS
Compensation for serving on fiscal court (H. B. 61) 268
Compensation for serving on road committees (H. B. 311) 1493

COUNTY COURT CLERKS
Bonds of, payment of premiums not part of clerk's compensation (H. B. 70) 351
Marriage records, penalty for failure to keep (H. B. 53) 248
Official bonds, premium on, may be paid from fees (H. B. 441) 2309

COUNTY JUDGES
Practice of law in own courts (H. B. 408) 1945

COUNTY ROAD ENGINEER
Employment of, qualifications (H. B. 142) 816

COUNTY ROADS
Per diem to Justice of the Peace for service on committees for (H. B. 395) 1872

COUNTY SURVEYORS
Acknowledgement of legal instruments, authorized to (H. B. 195) 914

COUNTY TAX COMMISSIONERS Page
Duties of county clerk relative to assessments for property taxes to be transferred to (H. B. 307) 1456
Property tax rolls, preparation of (H. B. 284) 1266
Succession in office prohibited, examination required (H. B. 360) 1737

COUNTY TREASURER
Appointment of, and term (H. B. 461) 2841

COURIER-JOURNAL
Petitioning such paper to print certain facts (H. R. 65) 2206

COURT COMMISSIONERS AND RECEIVERS
Fees of (H. B. 55) 249

COURT OF APPEALS
Admission to practice of law without examination (H. B. 69) 350
State Bar Examination, process of reporting, results of (H. R. 8) 243

COURT REPORTERS—See STENOGRAPHIC REPORTERS

CRIDER, BENJAMIN H.
Bills and Resolutions introduced: H. B. 34 (154), H. B. 115 (495), H. B. 200 (930), H. B. 265 (1185), H. R. 41 (1520), H. B. 435 (2167)
Committees served on 202 to 216

CRIMES AND PUNISHMENT
Capital punishment, abolition of (H. B. 344) 1606
Deadly weapons, carrying concealed or selling to a minor made a misdemeanor (H. B. 168) 870
Deadly weapon, carrying concealed, penalty for conviction of (H. B. 24) 121
Pharmacists, increase in penalties for violations of laws concerning (H. B. 95) 461
Misrepresentation of age made a misdemeanor (H. B. 185) 906
Rape, increase in penalty for certain offenses of (H. B. 125) 787
Resisting arrest, made a statutory offense (H. B. 111) 492
Stealing of licensed dog, penalty for (H. B. 2) 41
(H. B. 50) 245

CRIMINAL CODE OF PRACTICE
Appeals in criminal proceedings (H. B. 240) 1097
Arrest without a warrant, proceedings on (H. B. 222) 998
Depositions, taking of (H. B. 122) 784
Grand jury, witnesses and stenographer in proceeding before (H. B. 120) 773
Peace officers, powers of arrest (H. B. 224) 1000

CUMBERLAND RIVER
Resolution calling for construction of "Ed Gatliff Memorial Bridge" over (H. R. A[3]) 147

CURTIS, W. J.
Authorized to be buried in Boue Licks Battlefield State Park (H. R. 45) 1745

Page

DAIRY STATISTICS
Collection and publication of (H. B. 39) ... 184

DANIEL BOONE'S DAY
Made a legal holiday (H. B. 428) ... 2094

DEADLY WEAPONS
Carrying concealed or selling to minor made a misdemeanor (H. B. 168) ... 870
Concealed, who may carry (H. B. 329) ... 1580
Penalty for conviction of carrying concealed a deadly weapon (H. B. 24) ... 121

DEBTOR AND CREDITOR
Merchant may require credit statement from customer (H. B. 21) 120

DEEDS
Offered for record, requirements of (H. B. 419) ... 1995
Property conveyed to state, purchase price to be set out on face of deed (H. B. 480) ... 3205

DEERING, OWEN
Bills and Resolutions introduced: H. B. 49 (244), H. B. 67 (349), H. B. 150 (838), H. B. 200 (930), H. B. 212 (964), H. R. 60 (2098), H. R. 76 (3207)
Committees served on ... 27, 202 to 216

DENTISTS
Qualifications and licensing of (H. B. 420) ... 1996

DEPENDENTS
Support of, Uniform Act (H. B. 263) ... 1177

DEPOSITIONS
Examiner's fee for taking (H. B. 151) ... 839
Use of, as evidence; fees of notaries public for taking (H. B. 192) 911

DESCENT AND DISTRIBUTION
Amount of widows' and children's exemptions for personal property (H. B. 104) ... 486

DESERTION
Jurisdiction of court concerning parent guilty of desertion (H. B. 182) ... 902

DETECTIVES, DISTRICT
Appointment authorized in counties containing 40,000 or more population (H. B. 417) ... 1995

DEVELOPMENT OR REDEVELOPMENT OF SLUM AREAS
Provisions for (H. B. 444) ... 2658

DISTRICT DETECTIVES
Appointment authorized in counties containing 40,000 or more population (H. B. 417) ... 1995

DIVORCE Page
Delay of final decree (H. B. 212) 964
Notice, sixty day, required before petition filed (H. B. 340) 1590
Remarriage to another person, restrictions on (H. B. 26) 125
Tax to be paid by one to whom decree given (H. B. 246) 1104

DOG RACING
Greyhound racing, provisions for licensing and regulation of
(H. B. 391) 1862
(H. B. 440) 2302

DOGS
Licensing and regulation of (H. B. 467) 2891
Sale of, bill of sale required (H. B. 50) 245
Theft of licensed dog, penalty for (H. B. 50) 245
(H. B. 2) 41

DOMESTIC RELATIONS COURTS
Constitutional amendment to allow (H. B. 482) 3410

DOORKEEPER
Election, oath 12, 13

DORAN, ADRON
Bills and Resolutions introduced: H. B. 181 (901), H. B. 389 (1860), H. R. 67 (2230), H. B. 455 (2762)
Committees served on 202 to 216, 2109
Speaker, election as; oath 10, 11, 12

DRUGGISTS—See PHARMACISTS

DRUG STORES
Pharmacists, licensed, to own (H. B. 310) 1491

DRURY, G. I.
Bills and Resolutions introduced: H. B. 43 (225), H. B. 133 (807), H. B. 200 (930), H. B. 209 (960), H. B. 327 (1578)
Committees served on 202 to 216, 2109

DUNCAN, THOMAS R.
Bills and Resolutions introduced: H. B. 45 (230), H. B. 200 (930), H. B. 236 (1048), H. B. 302 (1352)
Committees served on 202 to 216

EASTERN KENTUCKY STATE COLLEGE
Basketball team of, congratulations to, for winning O. V. C. Tournament (H. R. 62) 2158

ECONOMIC SECURITY, DEPARTMENT OF
Child Welfare, Division of, placed under (H. B. 450) 2707
Division of Public Assistance placed under (H. B. 424) 2801

EDUCATION—See also SCHOOLS—TEACHERS Page
Boards of education, filling of vacancies on (H. B. 269) 1195
Certain educational expenses deductible from income tax (H. B. 290) 1274
Children in state institutions, school districts to be reimbursed for furnishing school services to (H. B. 345) 1653
Citizenship, course in, required (H. B. 128) 789
Common school fund, distribution of (H. B. 25) 122
Course in "character building" required (H. B. 361) 1739
Handicapped children, of (H. B. 456) 2763
Investigation of state institutions of higher learning (H. R. 4) 73
Loyalty oath required of employes of public educational institutions (H. B. 188) 908
Organizations, educational, teachers prohibited from soliciting members for (H. B. 388) 1822
(H. B. 469) 2910
State scholarships for war veterans (H. B. 147) 822
Teacher training, program of in-service training (H. B. 455) 2762
Textbooks, selection and adoption of (H. B. 354) 1698

EDUCATION, DEPARTMENT OF
Supplemental appropriation for (H. B. 447) 2685

EGGS, HATCHING
Inspection and regulation of sale of (H. B. 51) 245

ELECTIONS—See also VOTERS AND VOTING
Ballots, secondary stub abolished (H. B. 44) 225
City primaries, prohibition of corrupt practices in (H. B. 123) 785
Corrupt practises prohibited in city primaries (H. B. 123) 785
Primary, change in date of (H. B. 33) 153
Primary elections in certain cities having city manager form of government (H. B. 20) 118
Registration and purgation of voter (H. B. 218) 970
Voting hours (H. B. 255) 1119

ELECTION OFFICERS
Compensation and expenses of (H. B. 3) 41

ELECTRICAL CONTRACTING
Regulation of business of in second class cities (H. B. 478) 3204

EMPLOYER AND EMPLOYE
Employer to furnish check cashing service free of charge (H. B. 238) 1096
Medical examination and furnishing of records required for employment, employe not to pay for (H. B. 237) 1095

EMPLOYES
Bargaining agents for (H. B. 430) 2095
Time of payment of wages to, by corporations (H. B. 406) 1942
(H. B. 42) 191

EMPLOYES OF THE HOUSE
Additional compensation for (H. R. 2) 39
Authorization for Speaker to employ (H. R. B) 37

ENROLLING CLERK Page
Election, Oath 12, 13

ESCHEAT
Pari-mutuel winning tickets, unclaimed, escheat of (H. B. 140).... 815

ESTATES OF DECEDENTS
Distribution prior to payment of inheritance and estate taxes (H. B. 465) 2907

ESTEP, ROSCOE C.
Bills and Resolutions introduced: H. B. 190 (911), H. B. 195 (914), H. B. 196 (915), H. B. 200 (930), H. B. 215 (966), H. B. 442 (2644)
Committees served on....202 to 216

EVIDENCE
Taking of depositions in criminal cases (H. B. 122).... 784
Time testimony in chief may be given (H. B. 30).... 151
Transcript of, time for filing (H. B. 43).... 225

EXCEPTIONS
Depositions, to (H. B. 247).... 1105
Requirement for making in civil cases, time for bill of (H. B. 239) 1097

EXEMPTIONS FROM EXECUTION, ETC.
Personal property, of, changes in (H. B. 56).... 251
(H. B. 364).... 1740

EXEMPTIONS, WIDOWS' AND CHILDREN'S
Amount of, for personal property (H. B. 104).... 486

EXPENSE ALLOWANCES
Constitutional state officers, payment of monthly allowances to (H. B. 484) 3413

EXPLOSIVES
Fireworks, regulation of sale and use of (H. B. 77).... 397

FAIRS
County and community, judges to be furnished free of charge for (H. B. 317) 1503
County and community, state funds for premiums for (H. B. 392) 1868

FAIR TRADE LAW
Effect of sale below cost (H. B. 117) 761
Minimum mark-up on malt beverages (H. B. 47) 234
Unfair practices concerning sale of cigarettes (H. B. 130).... 790

FALMOUTH, CITY OF
Changing classification of (H. B. 314).... 1494

FALSE IMPERSONATION
Penalty for impersonation of officer, agent or employe of State Police (H. B. 373) 1777

Page

FANNIN, MITCHELL S.
Bills and Resolutions introduced: H. B. 28 (120), H. R. A[3] (147), H. B. 75 (392), H. B. 87 (418), H. B. 88 (426), H. B. 153 (842), H. B. 154 (843), H. B. 182 (902), H. B. 200 (930), H. B. 226 (1014), H. R. 33 (1286), H. B. 305 (1361), H. B. 385 (1820), H. B. 397 (1875), H. B. 471 (3029)
Committees served on: ..... 37, 47, 69, 202 to 216

FARM MACHINERY
Serial numbers, provisions of civil and criminal penalties for removal or alteration of (H. B. 129) 790

FEEBLE-MINDED PERSONS
Alleged, examination of (H. B. 365) 1768

FINANCE, DEPARTMENT OF
Assistant Attorney general for (H. B. 242) 1099
Signing of warrants by mechanical device authorized (H. B. 381) 1798

FINANCIAL ADMINISTRATION, STATE
Each member of General Assembly to receive detailed budget reports (H. B. 105) 488

FINANCIAL RESPONSIBILITY, MOTORISTS
Compulsory responsibility law (H. B. 59) 255

FIREMEN
Pension funds in 2nd and 3rd class cities, miscellaneous provisions (H. B. 318) 1524
Working hours and vacation in certain cities (H. B. 54) 249
(H. B. 58) 254

FIRE PREVENTION AND CONTROL
Woodland or brushland areas fires near, provisions concerning (H. B. 369) 1773

FIREWORKS
Regulation of sale and use of (H. B. 77) 397

FISCAL COURTS
Compensation of commissioners serving on (H. B. 61) 268
Compensation of members for road work in certain counties (H. B. 311) 1493

FISH AND WILD LIFE RESOURCES, DEPARTMENT OF
Provisions for (H. B. 236) 1048

FIRST AID
Required teaching in public schools (H. B. 8) 45

FLOOD CONTROL
Condemnation of property for (H. B. 376) 1782

FLOOD CONTROL DISTRICTS
Provisions for (H. B. 198) 918

FLOYD COUNTY Page
Extending congratulations to citizens of, on the occasion of the sesquicentennial of the formation of Floyd County (H. R. 82) 4116

FLUORSPAR
Production tax on (H. B. 132) 798

FRANCIS, KELLY J.
Resolution in memory of (H. R. 76A) 3230

GALILEAN CHILDREN'S HOME, INC.
Letter from, to Maurice Howard 408

GAMBLING DEVICES
Pinball machines giving free games not gambling devices (H. B. 404) 1881

GAME AND FISH
Department of Fish and Wild Life Resources, creation of (H. B. 236) 1048
Free hunting and fishing licenses for disabled veterans (H. B. 150) 838
Open season for certain game (H. B. 394) 1870
Red fox, no closed season on (H. B. 403) 1880
Revision of laws concerning (H. B. 236) 1048

GAS, ARTIFICIAL AND NATURAL
Gas systems, cities and gas districts authorized to acquire and operate (H. B. 459) 2828
Leases of natural gas, required terms (H. B. 260) 1169
Tax on natural gas (H. B. 204) 957

GAS, COMPRESSED OR LIQUEFIED PETROLEUM
Licensing and regulation of business of (H. B. 471) 3029

GAS DISTRICTS
Creation of, ownership and operation of gas systems authorized (H. B. 459) 2828

GASOLINE TAX—see also REVENUE AND TAXATION
Allocation of rural road fund (H. B. 93) 431
Filing, date of (H. B. 135) 809
Payment, method of (H. B. 135) 809
Refund
Application for (H. B. 257) 1122
Expense account, repeal of (H. B. 136) 812
Gasoline used off highways, on (H. B. 127) 789
Repeal of provisions for (H. B. 205) 958
Revocation and reissuance of permit (H. B. 256) 1121

GATLIFF, ED
Resolution calling for construction of bridge in memory of (H. R. A[3]) 147

	Page
GENERAL ASSEMBLY	
Acts, Legislative, number of volumes to be printed (H. B. 244)	1102
Additional compensation for officers and employes of (H. R. 69)	2729
Appropriation for expenses of (H. B. 458)	2828
Bills, Statute Revision Commission to abstract (H. R. A)	69
Employes of, names and compensation to be published in Legislative Digest (H. R. 85)	416
Expense account for members (H. B. 18)	116
Journals of House and Senate, distribution of (H. B. 144)	819
Members	
Acceptance of public office or employment during term prohibited (H. B. 85)	416
Budget reports, each member to receive detailed audits of accounts of each budget unit (H. B. 105)	488
Expense allowances for (H. B. 200)	930
Immediate family not to be employed (H. B. 85)	416
Supplemental appropriations to contingent funds of Clerks of House and Senate (H. R. 73)	2916
GEORGE T. STAGG DISTILLERY	
Extending thanks to, for use of facilities for holding of Return Ball (H. R. 81)	4079
GOEBEL, GOVERNOR WILLIAM	
Resolution memorializing 50th anniversary of his assassination (H. R. 22)	889
GOVERNING BODIES	
Fourth class cities, qualifications of council members' in (H. R. 425)	2091
Members of city council, election of (H. B. 206)	959
Second class cities, removal of members of board or commission (H. B. 177)	877
GOVERNOR FIELDS MEMORIAL HIGHWAY	
Designation of part of Highway 165 as (H. R. 48)	1823
GOVERNOR'S MESSAGES	
Address	2648
Budget message	49
Budget recommendations	135
GRAND JURIES	
Stenographic reporters for, compensation of (H. B. 334)	1583
GRAND JURIES	
Witnesses and stenographer in proceedings before (H. B. 120)	773
GREYHOUND RACING	
Provisions for licensing and regulation of (H. B. 391)	1862
(H. B. 440)	2302

HALE, HENRY Page
Bills and Resolutions introduced: H. B. 42 (191), H. B. 66 (347), H. B. 71 (351), H. R. 10 (404), H. B. 98 (465), H. B. 147 (822), H. B. 183 (904), H. B. 200 (930), H. B. 269 (1195), H. B. 276 (1253), H. B. 283 (1265), H. B. 305 (1361), H. B. 313 (1494), H. R. 82 (4116)
Committees served on:.....202 to 216

HAMMONS, CHESTER A.
Bills and Resolutions introduced: H. B. 151 (839), H. B. 152 (839), H. B. 167 (870), H. B. 168 (870), H. B. 187 (907), H. B. 188 (908), H. B. 189 (908), H. B. 190 (910), H. B. 250 (1107), H. B. 251 (1107), H. B. 260 (1169), H. R. 36 (1437), H. B. 306 (1446), H. B. 307 (1456), H. B. 308 (1475), H. B. 316 (1497), H. B. 317 (1503), H. B. 329 (1580), H. B. 330 (1581), H. B. 331 (1581), H. B. 428 (2094)
Committees served on:.....202 to 216

HANRATTY, JAMES P.
Bills and Resolutions introduced: H. R. A (13), H. R. B (37), H. R. C (37), H. R. D (38), H. R. E (38), H. R. 1 (38), H. R. 2 (39), H. B. 14 (77), H. R. 12 (434), H. B. 99 (474), H. B. 100 (475), H. B. 116 (496), H. B. 149 (832), H. B. 228 (1020), H. B. 258 (1133), H. R. 39 (1518), H. B. 413 (1954), H. B. 414 (1961), H. B. 446 (2683), H. B. 447 (2685), H. B. 448 (2681), H. B. 449 (2704), H. B. 466 (2891), H. R. 73 (2916), H. B. 472 (3032)
Committees served on:.....202 to 216, 2109, 4258

HARRIS, GEORGE F.
Bills and Resolutions introduced: H. B. 125 (787), H. B. 171 (872), H. B. 200 (930), H. B. 420 (1996), H. B. 485 (1414)
Committees served on:.....69, 202 to 216

HAYES, PAUL E.
Bills and Resolutions introduced: H. B. 42 (191), H. B. 66 (347), H. B. 71 (351), H. R. 10 (404), H. B. 98 (465), H. B. 147 (822), H. B. 157 (844), H. B. 158 (844), H. B. 165 (868), H. B. 183 (904), H. B. 184 (904), H. B. 200 (930), H. B. 216 (967), H. B. 276 (1253), H. B. 279 (1256), H. B. 280 (1259), H. B. 281 (1250), H. B. 282 (1264), H. B. 284 (1266), H. B. 285 (1268), H. B. 286 (1268), H. B. 305 (1361), H. R. 40 (1519), H. B. 344 (1606), H. B. 367 (1771), H. B. 417 (1995), H. B. 430 (2095), H. R. 68 (2231), H. B. 453 (2727), H. B. 484 (3413), H. R. 82 (4116).
Committees served on:.....202 to 216

HAZARD, CITY OF
Change of classification of (H. B. 253)..... 1108

HEAD, JOHN A.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 272 (1239), H. B. 273 (1244), H. R. 40 (1519), H. B. 396 (1873), H. B. 426 (2092)
Committees served on:.....202 to 216

HEALTH, COMMISSIONER OF Page
May be stockholder, member of faculty or board of trustees of medical college (H. B. 426) 1092

HEALTH, STATE BOARD OF
Members, connection with medical colleges (H. B. 426) 1092

HELM, HAROLD G.
Bills and Resolutions introduced: H. B. 89 (427), H. B. 90 (427), H. B. 93 (431), H. B. 11 (492), H. B. 113 (493), H. B. 200 (930), H. B. 233 (1042), H. B. 338 (1587), H. B. 386 (1821)
Committees served on: ..... 202 to 216

HENRY, WILLIAM K.
Bills and Resolutions introduced: H. B. 62 (344), H. B. 63 (345), H. B. 179 (878), H. B. 193 (912), H. B. 200 (930), H. B. 204 (957), H. B. 342 (1591), H. B. 467 (2891), H. B. 483 (3411), H. R. 81 (4079)
Committees served on: ..... 202 to 216

HIGHWAYS
Allocation of rural road fund (H. B. 93) 431
County roads, compensation for certain county officers for work on, in certain counties (H. B. 311) 1493
Legislative Research Commission directed to study safety on highways (H. R. 44) 1744
Memorial Highway, Governor Fields, designation as (H. R. 48) 1823
Streets, viaducts and bridges which connect state highway system, regulation of traffic on, by Highway Department (H. B. 368) 1772
Subdivision roads in certain counties, maintenance by fiscal court, (H. B. 23) 121

HIGHWAYS, DEPARTMENT OF
Advertising by (H. B. 211) 963
Checks, cancelled, disposal of (H. B. 158) 844
Condemnation of property for use of (H. B. 138) 813
Dissemination of information by (H. B. 211) 963
Fiscal year, change of (H. B. 148) 823
Obligations of, time for payment (H. B. 146) 821
Regulation of traffic on streets, viaducts and bridges which connect state highway system (H. B. 368) 1772

HILTON, E. R.
Bills and Resolutions introduced: H. B. 44 (225), H. B. 53 (248), H. B. 103 (485), H. B. 160 (846), H. B. 161 (847), H. B. 170 (872), H. B. 173 (873), H. B. 174 (874), H. B. 237 (1095), H. B. 238 (1096), H. B. 255 (1119), H. B. 305 (1361), H. B. 342 (1591), H. B. 406 (1942), H. B. 407 (1943), H. B. 436 (2202), H. B. 461 (2841)
Committees served on: ..... 202 to 216, 2109

HODGENVILLE, CITY OF
Change in classification of (H. B. 347) 1655

HOLBROOK, RAY Page
Bills and Resolutions introduced: H. B. 64 (346), H. B. 65 (346), H. B. 118 (771), H. B. 120 (773), H. B. 147 (822), H. B. 276 (1253), H. B. 295 (1342), H. B. 296 (1342), H. B. 342 (1591), H. R. 49 (1824), H. R. 53 (1885), H. R. 54 (1977), H. R. 56 (1979), H. B. 433 (2162)
Committees served on:.....202 to 216

HOLIDAYS
All state departments to observe same holidays (H. B. 429)..... 2095

HOLIDAYS, LEGAL
Daniel Boone's Day made a holiday (H. B. 428)..... 2094
St. Patrick's Day, provisions for (H. B. 303)..... 1353

HOLLAN, WOODROW W.
Bills and Resolutions introduced: H. B. 174 (874), H. B. 178 (877), H. B. 200 (930), H. B. 312 (1494), H. R. 38 (1506), H. B. 339 (1587), H. B. 342 (1591), H. B. 351 (1696), H. B. 352 (1697), H. R. 58 (2001), H. B. 429 (2095), H. R. 61 (2099), H. R. 74 (3040)
Committees served on:.....202 to 216

HOLSCLAW, CHESTER J.
Bills and Resolutions introduced: H. B. 254 (1109), H. B. 261 (1170), H. R. 40 (1519), H. B. 342 (1591), H. B. 377 (1785), H. B. 418 (1995), H. B. 452 (2726), H. B. 459 (2828),
Committees served on:.....202 to 216, 2109

HOMECOMING YEAR
1950 designated as (H. R. 17)..... 777

HORN, W. M., JR.
Bills and Resolutions introduced: H. B. 17 (16), H. B. 23 (121), H. B. 200 (930), H. B. 304 (1355), H. R. 36 (1503), H. B. 422 (1998), H. B. 467 (2891)
Committees served on:.....202 to 216, 2109

HORSE RACING
Associations, 85% of employes to be citizens and residents of Kentucky (H. B. 328) 1580

HOSPITALS
Inspection and regulation of (H. B. 228)..... 1020

HOSPITAL SERVICE CORPORATIONS
Miscellaneous amendments of laws concerning (H. B. 443)..... 2654

HOUPT, RICHARD R.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 342 (1591), H. B. 402 (1879)
Committees served on:.....202 to 216
Letter from indicating vote on certain bills had he been present 3207

HOUSE BILLS
H. B. 1—(Jurors, increase in compensation of—M. Howard) 40, 384

HOUSE BILLS—Continued Page

H. B. 2—(Licensed dogs, stealing of a misdemeanor—Wirsch) 41, 384, 1119

H. B. 3—(Election officers, increase in compensation of—Burnley, Wirsch and Weintraub)..41, 384, 1531, 2171, 2243

H. B. 4—(95th representative district, adding precinct to—Runyan and Sanders).....42, 384, 1531, 1620

H. B. 5—(Teachers, additional appropriation for salaries—Burnley) 42, 384

H. B. 6—(Jurors, increase in compensation of—Runyan)....44, 384

H. B. 7—(Minors prohibited where alcoholic beverages sold—Polsgrove).....45, 384, 1439, 1508

H. B. 8—(Schools, teaching of first aid—Burnley).....45, 384, 1440, 1508, 2202

H. B. 9—(Marriage licenses, issuance of—Burnley).....46, 384, 1826, 1916, 2819, **2820**, 2970, **2972**

H. B. 10—(Taxes, delinquent date of—Love).....64, 384, 1674

H. B. 11—(Taxes, state ad valorem, exemption of real estate from—Love) 64, 384

H. B. 12—(Married woman may contract as surety—Love) 65, 384, 1118

H. B. 13—(Taxes, exemption of certain homesteads from—Spaulding) 65, 384, 851

H. B. 14—(Budget bill—Hanratty).....77, 144, 191, 192, 219, 237, 269, 272, 274, **337**, 458, 461

H. B. 15—(Agricultural seeds, certification of—Calvert and Taylor).....112, 270, 343, 406, 435, 436, 831, 852

H. B. 16—(Agriculture seeds, label requirements; regulations concerning tobacco seeds—Calvert and Taylor) 113, 270, 343, 406, 437, **441**, 831, 853

H. B. 17—(Policemen in cities of third class, working hours of —Horn).....116, 384, 850, 883, 943, **944**

H. B. 18—(Expense accounts for members of General Assembly and Lieutenant-Governor—McPherron) 116, 385

H. B. 19—(Compensation to Justices of the Peace for serving on county road committees—Love)....118, 385, 1656, 1751

H. B. 20—(Primary elections in second, third and fourth class cities with city manager form of government—Morgan) 118, 385

H. B. 21—(Merchant may require credit statement from customers—Morgan) 120, 385, 850

H. B. 22—(Board of commissioners in cities having city manager form of government, times of meeting—Morgan).....120, 385, 850, 884, 949, **950**, 2151, 2234, 2634

H. B. 23—(Maintenance of county subdivision roads in counties containing third class city—Horn).....121, 385, 850, 883, 941, **942**, 2950, 2969

H. B. 24—(Penalty for conviction of carrying concealed a deadly weapon—M. Howard).....121, 385, 1116, 1196, 1542, **1545**, 3022, **3023**, 3467

HOUSE BILLS—Continued Page

H. B. 25—(Common school fund, distribution of—M. Howard) 122, 385

H. B. 26—(Remarriage, restrictions on right of—Weintraub) 125, 385, 850

H. B. 27—(Jurors, compensation of—Weintraub).....128, 384, 850, 884, 948, 988

H. B. 28—(Veterans, war exemption from poll tax—Fannin) 129, 385, 765

H. B. 29—(Public officers, retention of sums in excess of compensation prohibited—Preston) 150, 385, 850

H. B. 30—(Trial procedure, time testimony in chief may be given—Weintraub) 151, 385, 1118

H. B. 31—(City manager in second class cities, removal of—Weintraub) 151, 385

H. B. 32—(Malt beverages, additional tax to increase teachers' salaries—Runyan and Sanders).....153, 385, 3042, 3209

H. B. 33—(Elections, date of primary—Britton).....153, 385

H. B. 34—(Taxicabs, operation over bus routes—Crider)....154, 385

H. B. 35—(Agriculture Department, consolidation of revolving funds—Moorman and Reasor).....154, 270 343, 406, 442, **443**, 1576, 1918, **1919**, 1993

H. B. 36—(Jurors, compensation of—Bill Adams).....155, 385

H. B. 37—(Judicial districts, terms in 24th district—Marshall) 156, 385, 937, 984, 1124, **1125**, 1984

H. B. 38—(Civil Service Department, creation of—Ruh)....156, 385

H. B. 39—(Dairy statistics, collection and publication of—Reasor and Searcy).....184, 270, 343, 406, 444, **445**, 1228, 1576, 1685, 1754

H. B. 40—(Agriculture, State Board of, duties of—Moorman and Reasor)....185, 270, 343, 406, 447, **448**, 1576, 1686, 1764

H. B. 41—(Weights and Measures, Division of, provisions for—Moorman and Reasor).....185, 270, 344, 406, 449, **456**, 1577, 1920, **1921**, 1993

H. B. 42—(Wages and hours, time of payment of employes of corporations—Hale and Hayes).....191, 385

H. B. 43—(Civil Code of Practice, time for filing transcript—Drury) 225, 385, 800, 852, 885

H. B. 44—(Ballots, secondary stubs abolished—Hilton) 225, 385, 800, 852, 886, 938, 1222, **1227**

H. B. 45—(School tax, additional tax for building purposes—Duncan) 230, 385, 1827, 1917

H. B. 46—(Judicial districts, creation of a new 42nd District, and changes in 2nd, 3rd, and 4th Districts—Burnley and Morgan) 232, 385, 1658, 1752

H. B. 47—(Malt beverages, minimum mark-up on sale of—Sheehan and Weintraub) 234, 385

H. B. 48—(Public utility rates, procedure for increasing or decreasing—Weintraub and Wirsch)....235, 385, 3042, 3209

H. B. 49—(Compensation of Justices of Peace for serving on county road committees—Deering)....244, 408, 2768, 2927

HOUSE BILLS—Continued Page

H. B. 50—(Dogs, bill of sale required; penalty for theft of licensed dog—Wirsch) 245, 408, 851

H. B. 51—(Poultry and hatching eggs, inspection and regulation of sale of—Reasor) 245, 408, 2238, 2736, 3487, **3488,** 4051, 4122

H. B. 52—(County school superintendent to be elected—Britton and Marshall) 246, 408, **2077**

H. B. 53—(Marriages, penalty for clerk failing to record—Hilton) 248, 408, 850, 884, 946, **947,** 4051, 4122

H. B. 54—(Police and firemen in third and fourth class cities, working hours and vacation—Snapp) 249, 408

H. B. 55—(Court commissioners and receivers, fees of—Smith) 249, 409, 850, 884, 948, 985, **987,** 992, **993**

H. B. 56—(Exemption of personal property from execution, attachment, distress or fee-bill—Smith) 251, 409

H. B. 57—(State Fair Board, separate secretary authorized—W. Jones) 254, 409, 1117, 1197, 1634, **1635,** 3783, 3823

H. B. 58—(Firemen in second class cities, working hours and vacation—Shannon) 254, 409, 851, 884, 951, **952**

H. B. 59—(Financial responsibility of owners and operators of motor vehicles—W. Jones) 255, 409, 2171, 2243

H. B. 60—(Teachers' Retirement System, noninstructional school employes eligible for—Jonas, Ruh, Shannon, Weintraub and Wirsch) 265, 409, 1441, 1508

H. B. 61—(Compensation of commissioners serving on fiscal courts—Beatty) 268, 409, 1531, 1621

H. B. 62—(State Fair, judges to be residents of Kentucky—Henry) 344, 827, 1118, 1228, 1439, 1501

H. B. 63—(Common School Fund, supplemental appropriation for—Henry) 345, 827

H. B. 64—(Teachers' Retirement System, qualifications required for retirement pay—Holbrook) 346, 827, 1442

H. B. 65—(Jurors, compensation of—Holbrook) 346, 827, 1886, 2007

H. B. 66—(Teacher's Retirement System, qualifications for retirement; benefits—Hale and Hayes) 347, 827, 1443

H. B. 67—(Inflammable liquids, regulation of sale of—Deering) 349, 827

H. B. 68—(Coroners, compensation of—Smith) 349, 827, 1118

H. B. 69—(Practice of law, admission of persons without examination—Smith) 350, 828

H. B. 70—(County clerks, payment of bond premiums not part of compensation—Morgan) 351, 828, 1115, 1196, 1302, **1304,** 1984, 1993

H. B. 71—(Alcoholic beverages, state to sell—Hale and Hayes) 351, 828

H. B. 72—(Judicial sales, newspaper advertisements concerning—Smith) 389, 774, 2768, 2927

H. B. 73—(Termination of tenancy at will or by sufferance, notice requirements for—Smith) 390, 828

H. B. 74—(Nonresident merchandise vendors, license fee on—Runyan and Sanders) 390, 828, 1659, 1753

HOUSE BILLS—Continued Page

H. B. 75—(Judicial Districts, creation of new 40th District and changes in 28th and 29th Districts—Fannin)....392, 828, 1659, 1753

H. B. 76—(Veteran's bonus, constitutional amendment to provide a bonus—Love) 394, 828

H. B. 77—(Fireworks, regulation of sale and use of—Beatty) 397, 828

H. B. 78—(Physically handicapped persons, provision for extra credit on examinations for public employment—Ruh) 399, 828, 1826, 1916

H. B. 79—(Coroners, compensation of—M. Howard)....400, 828, 1118

H. B. 80—(Special judges of circuit courts, compensation and expenses of—M. Howard) 400, 828

H. B. 81—(Stenographers or clerks for county attorneys in certain counties, compensation of—Losey).....401, 828, 1292, 1444, 1928, **1930**

H. B. 82—(Workmen's compensation, amount of benefits and who to get when employe dies—Marshall).....402, 828

H. B. 83—(Schools, additional appropriation for per capita fund and for school transportation system—Palmore, Runyan and Sanders) 403, 828

H. B. 84—(World Constituent Assembly, election of delegates to draft World Constitution—Polsgrove) 413, 828

H. B. 85—(General Assembly, acceptance of public employment by members prohibited; employment of members' families; publication of names of employes of—Preston) 416, 828, 1118

H. B. 86—(Publication of ordinances in certain cities of second class—Morgan) 417, 828, 1440, 1508

H. B. 87—(Veterans' bonus, constitutional amendment to allow Kentucky Derby lottery to finance bonus—Bernam Adams, Baumgardner, Beshear, Bronston, Burnley, Fannin, M. Howard, Jonas, Mackey, Morgan, Ruh, Shannon, Sheehan, Weintraub and Wirsch).....418, 433, 828, 2170, 2242

H. B. 88—(Cigarette taxes to be appropriated to per capita fund—Fannin) 426, 828

H. B. 89—(Pari-mutuel tax, increase in for benefit of per capita fund—Helm) 427, 828

H. B. 90—(Changing the classification of Jamestown—Helm) 429, 828, 1114, 1195, 1297, 1299, 2106, **2107**, 3442, 3570

H. B. 91—(City marshals, compensation of deputies—Lambert) 429, 828, 1439, 1507

H. B. 92—(Adjutant General, rank of—Lowman) 430, 457, 765, 801, 853, **855**, 1483, 1516

H. B. 93—(Gasoline tax, allocation of road fund—Helm)....431, 828

H. B. 94—(County police forces, compensation of in certain counties—Lambert).....432, 828, 2239, 2736, 3606, **3608**

HOUSE BILLS—Continued Page

H. B. 95—(Pharmacists, increase in penalties for violations of laws concerning—Warns) .....461, 828, 1198, 1295, 1648, **1650,** 2152, 2234, 3634.

H. B. 96—(Indexer of real property records in certain counties, compensation of—Ruh and Sheehan) 462, 828, 1115, 1195, 1300, **1301,** 1984, 1993

H. B. 97—(Alcoholic beverages, tax on—Love).....463, 828

H. B. 98—(Railroads, discontinuance of passenger service—Hale and Hayes) 465, 829

H. B. 99—(Revenue and taxation, authorizes local official to recommend increased assessments—Hanratty)..474, 774, 800, 852, 886, **888,** 1295

H. B. 100—(Coin vending machine tax, repeal of—Hanratty) 475, 774, 800, 852, 886

H. B. 101—(Juvenile affairs, jurisdiction of transferred from county to circuit court; provision for Commission on Juvenile Affairs—Baer).....476, 857, 2240, 2738

H. B. 102—(Teachers' Retirement System, increase in minimum allowances—Marshall) 485, 857, 1620

H. B. 103—(Pari-mutuel betting, increase in tax on—Hilton) 485, 857

H. B. 104—(Exemptions of personal property granted widow and children—Williamson) 486, 857, 1827, 1917

H. B. 105—(Budget reports, each member of General Assembly to have detailed audit of accounts of every budget unit—Sanders) 488, 857

H. B. 106—(Pari-mutuel betting, increase in tax on—Burnley) 488, 857, 2240, 2737

H. B. 107—(Married women, power to become surety—Williamson) 489, 857, 1118

H. B. 108—(Alcoholic beverages, where may be sold by the drink—Jonas) 490, 857, 1440, 1508, 2877, **2878**

H. B. 109—(Changing classification of Munfordville—Hubbard) 490, 857, 1115, 1195, 1297, 1299, 2107, **2108,** 3443, 3570

H. B. 110—(Coal, production tax on—Buchman)....491, 857, 3043, 3210

H. B. 111—(Resisting arrest, made a statutory offense—Helm) 492, 858

H. B. 112—(Old age assistance, increase in benefits—Lawrence) 492, 858

H. B. 113—(Cigarette tax, increase in for benefit of schools—Helm) 493, 858

H. B. 114—(Adverse possession, period of limitation for obtaining title to real property—D. Howard).....494, 858, 1673

H. B. 115—(Cattle running at large, state wide prohibition concerning—Crider and Moorman).....495, 858, 1292, 1443, 1835, 1835, **1837,** 3797, 3824

H. B. 116—(Insurance, new code—Hanratty and D. Howard)....496, 858, 1660, 1753, 2325, **2606,** 3148, 3468

HOUSE BILLS—Continued Page

H. B. 117—(Trade practices, sale of goods below cost made prima facie evidence of intent to destroy competition—Morgan) 761, 858

H. B. 118—(Parking meters, prohibition against on certain streets in fifth and sixth class cities—Holbrook) 771, 858

H. B. 119—(Building and loan associations, amendment of articles and by-laws—Polsgrove)....772, 858, 2766, 2924

H. B. 120—(Criminal Code of Practice, proceedings before grand jury—Holbrook) 773, 858

H. B. 121—(Juries in police courts in second class cities, selection of—Weintraub) 784, 858, 1115, 1196, 1537, **1538**, 3879, 3946

H. B. 122—(Criminal Code of Practice, taking of depositions—Weintraub) 784, 858, 1115, 1196, 1537, **1538**, 3879, 3946

H. B. 123—(City primary elections, prohibits those acts which are prohibited in regular elections—Carter, Morgan and Smith) 785, 858, 1532, 1621

H. B. 124—(Auctioneers, licensing of—M. Howard) 785, 858

H. B. 125—(Rape, increase in penalty for conviction of certain offenses of—Berkley Jones and Harris)....787, 858

H. B. 126—(Constitutional amendment to lower voting age to 18—Mackey) 788, 858, 2239, 2736

H. B. 127—(Gasoline tax, refund to certain users—Losey, Mitchell and Thompson) 789, 858, 1985

H. B. 128—(Education, course in citizenship required in ninth grade of all common schools—Lawrence)....789, 858, 1620

H. B. 129—(Farm machinery, removing or altering serial numbers made a crime—Bridgers) 790, 858, 1292, 1443, 1840, 2040

H. B. 130—(Trade practices, unfair practices concerning sale of cigarettes—Lowman and Morgan) 790, 858

H. B. 131—(Blanket bond for state officers and employes—Lowman) 797, 858, 1117, 1197, 1634, 1754, **1756**, 2950, 2969

H. B. 132—(Fluorspar, production tax on, for benefit of per capita fund—Buckman and Rayburn)....798, 858

H. B. 133—(Independent school districts, creation of—Drury) 807, 858, 1826, 2170, 2242

H. B. 134—(Deputy commissioner of welfare, duties of—Tinsley) 808, 858, 1826

H. B. 135—(Gasoline tax, filing date and method of payment—Baer) 809, 858, 1117, 1197, 1556, **1560**, 2075, 2154

H. B. 136—(Gasoline tax, repeal of refund expense account—Baer) 812, 858, 1116, 1196, 1550, **1551**, 2075, 2154

H. B. 137—(Amusement tax, time of reports and method of payment—Baer) 813, 858, 1117, 1197, 1627, **1628**, 2075, 2154

H. B. 138—(Condemnation of property for use of Highway Department—Buckman) 813, 858, 1117, 1196, 1551, **1553**, 2075, 2154

HOUSE BILLS—Continued Page

H. B. 139—(Condemnation of property, alternative method of—Buckman) 814, 859, 1117, 1554, **1555,** 2075, 2154

H. B. 140—(Escheat of unclaimed pari-mutuel winning tickets—Buckman) 815, 859, 1117, 1197, 1622, 1623, 2075, 2154

H. B. 141—(Public utility gross receipts, time of report for tax purposes—Reasor) 815, 859, 1117, 1197, 1624, **1626,** 2075, 2154, **2157**

H. B. 142—(County road engineer, employment of; qualifications—Jacobs) 816, 859, 1117, 1197, 1630, **1633,** 3169, **3170,** 3467

H. B. 143—(Building and loan associations, amendment of articles and bylaws—Polsgrove) 818, 859

H. B. 144—(House and Senate Journals, distribution of—Shaw) 819, 859, 1659, 1752, 2241, 2738

H. B. 145—(Motor vehicle usage tax, repeal of—Burnley)....820, 859

H. B. 146—(Highways, Department of, time of payment of obligations—Hubbard) 821, 859, 1197, 1629

H. B. 147—(War veterans, state scholarships for—Hale, Hayes and Holbrook) 822, 859

H. B. 148—(Highways, Department of, change of fiscal year—Hubbard) 823, 859, 1116, 1196, 1539, **1542,** 2152, 2234, 2634

H. B. 149—(Turnpikes, provision for construction of—Hanratty) 832, 953, 1294, 1445

H. B. 150—(Veterans, disabled, free hunting and fishing licenses for—Carter, Deering and Barkley Jones).....838, 953

H. B. 151—(Depositions, examiner's fee for taking—Hammons) 839, 953, 1658, 1752

H. B. 152—(Veteran's Affairs Commission, provision for—Hammons, Mitchell and Steers).....839, 953

H. B. 153—(Public Service Commission, assessment on utilities—Weintraub, Wirsch, Jonas, Polsgrove, Ruh, Shannon, Sheehan, Morgan, Palmore, Fannin, Waterfield, M. Howard, Losey and Burnley).....842, 953

H. B. 154—(Motor carriers, authorize city license fee on common and contract carriers—Weintraub, Jonas, Polsgrove, Ruh, Shannon, Sheehan, Morgan, Palmore, Fannin, M. Howard, Losey and Burnley).....843, 953

H. B. 155—(Telephone rates, uniformity required in—Warns) 843, 953, 2172, 2244

H. B. 156—(Insurance, fire, uniformity in rates—Warns) 844, 953, 2238, 2735

H. B. 157—(Toll bridge funds, transfer of—Hayes).....844, 953, 1899, 2010, 2193, 2194, 2950, 2969

H. B. 158—(Highway, Department of, disposal of cancelled checks—Hayes) 844, 953, 1898, 2010, 2195, **2197,** 2950, 2969

H. B. 159—(Parking meters, lease of advertising space on, by cities—Morgan) 845, 953, 1531, 1620, 2200, **2201,** 3783, 3823

HOUSE BILLS—Continued Page

H. B. 160—(Inheritance taxes, exemption of railroad retirement benefits—Burnley, Hilton and Morgan).....846, 953

H. B. 161—(Railroads, safety equipment for cars used in transporting employes—Burnley, Hilton and Morgan) 847, 954, 2171, 2243

H. B. 162—(Agricultural seeds, Agricultural Experiment Stations program for development of—Calvert and Moorman).....849, 954, 1292, 1443, 1838, **1839,** 2152, 2234, 2634

H. B. 163—(Production tax on coal for benefit of per capita fund—Mackey) 867, 954, 1828

H. B. 164—(School teachers, qualification for life certificate—Marshall) 868, 954, 1620

H. B. 165—(Civil Code Committee, provisions for, to study revision of Civil Code of Practice—Hayes).....868, 954, 1115, 1196, 1537

H. B. 166—(State Police, repeal of provisions for—Weintraub) 869, 954

H. B. 167—(Workmen's compensation, benefits for death or injury from asthma—Hammons) 870, 954

H. B. 168—(Deadly weapons, carrying concealed or selling to minor made a misdemeanor—Hammons).....870, 954

H. B. 169—(Deputy sheriffs in certain counties, payment of certain expenses of—M. Howard).....871, 954, 1673

H. B. 170—(Cigarette tax, increase of—Hilton).....872, 954, 2239, 2736

H. B. 171—(Motor vehicle, driver not liable for injury to free passenger—Harris) 872, 954

H. B. 172—(Owingsville, changing classification of—Bailey)..873, 954, 1292, 1443, 1843, 1921, **1922,** 3443, 3570

H. B. 173—(Coin-operated machine, increase of license fee on, for benefit of per capita fund—Hilton, Sanders and Snapp) 873, 954

H. B. 174—(Schools, supplemental appropriations for—Hilton, Losey, Mitchell, D. Howard, B. Jones, Smith, Searcy, Saylor, Sanders, Snapp, Hollan, Waterfield and Runyan) 874, 954, **1307,** 1478

H. B. 175—(Circuit court reporters, compensation of, in certain counties—Jonas, Ruh, Shannon, Sheehan, Wirsch and Weintraub) 875, 954, 1659, 1753, 3648, **3650,** 4149, 4250, 4251, 4257

H. B. 176—(Amusement admission tax, increase in, for benefit of per capita fund—Thompson) 876, 954

H. B. 177—(Removal of member of board or commission in second class cities—Spaulding) 877, 954, 1115, 1196, 1511, **1512,** 2152, 2234, 2635

H. B. 178—(Teachers' Retirement System, minimum allowance increased—Hollan) 877, 954

H. B. 179—(Motor vehicles, licensing of—Henry....878, 954, 1985, 2010

H. B. 180—(Non-alcoholic beverage tax for benefit of per capita fund—Buckman) 894, 1127

HOUSE BILLS—Continued Page

H. B. 181—(Schools, group insurance for pupils—Doran)....901, 1127, 1658, 1752

H. B. 182—(Desertion of wife or children, jurisdiction of circuit court concerning—Fannin).....902, 1127, 1658, 1751

H. B. 183—(Martin, changing classification of—Hale and Hayes) 904, 1127, 1292, 1443, 1844, **1845**, 2152, 2235, 2635

H. B. 184—(County school board members, election of; residence requirements of—Carter and Hayes).....984, 1127, 1293, 1444, 2035, 2059, **2064**

H. B. 185—(Misrepresentation of age made a misdemeanor—Carter) 906, 1127

H. B. 186—(Waterworks in first class cities, officers and employes of—Baer).....906, 1127, 1439, 1507, 3716, **3717**, 4231, 4243

H. B. 187—(Cigarette tax, increase in, for benefit of per capita fund and Teachers' Retirement System—Hammons) 907, 1127

H. B. 188—(Loyalty oath required of employes of public educational institutions—Hammons and Wirsch).....908, 1127, 1827

H. B. 189—(Distilled spirits tax, increase in, for benefit of per capita fund and Teachers' Retirement System—Hammons) 908, 1127

H. B. 190—(Malt beverage tax, increase in, for benefit of per capita fund and Teachers' Retirement Fund—Hammons) 910, 1127

H. B. 191—(Coal, coke or charcoal, sales slip required with sale of—Estepp) 911, 1127

H. B. 192—(Depositions, fees of notary public for taking; use of—Williamson) 911, 1126, 1619, 1750

H. B. 193—(Inheritance tax, wife's exemption increased—Henry and Lowman) 912, 1126

H. B. 194—(Public utilities, procedure for increasing rates—Lowman) 913, 1126

H. B. 195—(Legal instruments, acknowledgment of, by county surveyors—Estepp) 914, 1126, 1657, 1751

H. B. 196—(Arbitrators, appraisers, surveyors, etc., fees of—Estepp) 915, 1126

H. B. 197—(Unemployment compensation, certain cemetery associations excluded from "covered employment"—Morgan) 917, 1126, 2238, 2735

H. B. 198—(Implied warranty, liability of food and drink brokers or manufacturer's representatives—Morgan) 917, 1126

H. B. 199—(Flood control districts, provisions for—Morgan) 918, 1126, 1619, 1750, 3237, **3248**, 3879, 3946

HOUSE BILLS—Continued Page

H. B. 200—(Expense allowances for Lieutenant-Governor and members of General Assembly—Webb, Combs, Britton, Stovall, Hollan, Taylor, D. Howard, Polsgrove, Shaw, Lambert, B. Jones, Hale, Smith, Harris, Saylor, Hayes, Estepp, Hubbard, Drury, Warns, Spaulding, Head, Stigall, Henry, Marshall, Moore, Searcy, Bill Adams, A. Moore, Weintraub, Wirsch, Martin, Lawrence, Snapp, Mackey, Morgan, Deering, W. Jones, Duncan, M. Howard, Mitchell, Palmore, Burnley, Bailey, Walter, McPherron, Bean, Majors, Fannin, Steers, Buckman, Horn, Bridgers, Arnett, Carter, Helm, Houpt, Crider, Barnum, Waterfield, Bradley, Stringer, Reasor, Shelton, Tinsley, Beatty, Shannon, Sheehan and Ruh)....930, 1126, 1305, **1306,** 1445, 1679, **1683,** 1765, 2047, **2048,** 2059

H. B. 201—(Depository libraries, provisions for—Hubbard) 945, 1126, 1439, 1507, 3693, **3696,** 4051, 4122

H. B. 202—(Deputy commissioner of welfare, delegated duties to—Tinsley)....956, 1126, 1293, 1444, 2045, **2046,** 2950, 2969

H. B. 203—(City of Walton, changing classification of—Tinsley) 956, 1126, 1439, 1507, 1923, **1924,** 3443, 3570

H. B. 204—(Oil and natural gas tax, levy of, for benefit of per capita fund—Henry).....957, 1126

H. B. 205—(Gasoline tax refund, provisions for, repealed—M. Howard) 958, 1126

H. B. 206—(Council members in fourth class cities, election of—Bean).....959, 1126, 1532, 1621

H. B. 207—(Prohibits television in certain parts of motor vehicles—Bean) 959, 1126

H. B. 208—(Abandoned wells, mines, cisterns to be closed—Tinsley).....960, 1126, 1619, 1750

H. B. 209—(Timber, severance tax on—Drury).....960, 1126

H. B. 210—(College of veterinary medicine and surgery at University of Kentucky—Preston).....961, 1126

H. B. 211—(Dissemination of Highway Department information —Hubbard).....963, 1126, 1294, 1445, 3783, 3823

H. B. 212—(Divorce, delay of final decree—Deering).....964, 1126

H. B. 213—(Blind persons, use of white canes by and traffic regulations concerning—Stringer).....964, 1126, 1292, 1443, 1841, **1843,** 2152, 2235, 2635

H. B. 214—(Civil service in second and third class cities—Jonas).....965, 1126, 1659, 1753

H. B. 215—(London, change in classification—Estep).....966, 1126, 1532, 1621, 1925, **1926,** 3443, 3570

H. B. 216—(Traffic regulations, trucks on highway to travel 500 feet apart—Beatty) 967, 1126

H. B. 217—(Board of Claims, jurisdiction extended—Hayes) 967, 1126, 1294, 1445, 2050, **2053,** 2950, 2969

HOUSE BILLS—Continued Page

H. B. 218—(Registration and purgation of voters—Snapp) 970, 1126, 1533, 1622

H. B. 219—(Absent voting, provisions concerning — Snapp) 978, 1126, 1533, 1622, 3086, **3090**

H. B. 220—(Traffic regulations, trucks on highway to travel 250 feet apart—Williamson) 995, 1126, 1293, 1444, 2043, **2044,** 3825, 3845, 3846, 3947

H. B. 221—(Motor vehicles, provisions concerning lights on—Williamson) 995 1126, 1293, 1444, 2043, **2044,** 3825, 3845, 3846, 3947

H. B. 222—(Arrest without a warrant, proceedings on—Williamson) 998, 1126, 1293, 1444, 2040, **2042,** 2951, 2969

H. B. 223—(Traffic signals, provisions concerning—Williamson) 999, 1126, 1658, 1752, 2197, **2199,** 2951, 2969

H. B. 224—(Peace officers, power of arrest—Williamson)— 1000, 1126, 1658, 1752, 2607, **2609,** 2990, **2992**

H. B. 225—(Production tax on clay—Hubbard) 1013, 1213

H. B. 226—(Increase in cigarette, malt beverage, distilled spirits and pari-mutuel taxes—Fannin) 1014, 1213, 1478 1562

H. B. 227—(Public projects for which revenue bonds can be issued—Tinsley) 1017, 1213, 1657, 1751, 3181, **3184**

H. B. 228—(Hospitals, inspection and regulation of—Hanratty) 1020, 1213, 1888, 2009

H. B. 229—(Registration and purgation boards, provisions concerning—Stigall and Thompson) 1034, 1213

H. B. 230—(Teachers' Retirement System, reestablishment of prior service rights—Searcy) 1036, 1213, 1620

H. B. 231—(Purgation of voters, provisions concerning — Sanders) 1036, 1213, 1532, 1622, 3149, **3167**

H. B. 232—(Deputy constables, number of—Sanders) 1042, 1213

H. B. 233—(Circuit clerks, increase in fees—Helm and Webb) 1042, 1213, 1673

H. B. 234—(Registration and purgation, provisions concerning—Losey) 1044, 1213, 2765, 2924

H. B. 235—(Soft drink tax, provisions for—McPherron) 1047, 1213

H. B. 236—(Game and fish, provisions for Department of Fish and Wild Life Resources—Duncan) 1048, 1213, 1887, 2008

H. B. 237—(Medical examination or furnishing of records for employment, not to be paid for by employe—Stovall and Hilton) 1095, 1213, 1291, 1443, 1757, **1759, 1760,** 2228, 2235, 2635

H. B. 238—(Employer to furnish check cashing service to employes free of charge—Stovall and Hilton) 1096, 1213

H. B. 239—(Civil Code of Practice, time for exceptions and bill of exceptions—Reasor) 1097, 1213, 1614, 1748, 2176, **2178**

H. B. 240—(Criminal Code of Practice, appeals in criminal proceedings—Reasor) 1097, 1214, 1613, 1748

H. B. 241—(Expenses of state officers and employes—Reasor) 1099, 1214, 2170, 2241, 2984, **2986,** 3784, 3823

HOUSE BILLS—Continued Page

H. B. 242—(Assistant attorney general for Department of Finance—Reasor).....1099, 1214, 1294, 1445

H. B. 243—(State contracts for materials, supplies and equipment, manner of advertising and letting—Reasor) 1100, 1214, 1294, 1445, 2987, **2989,** 3784, 3823

H. B. 244—(Legislative Acts and House and Senate Journals, numbers to be printed—Reasor).....1102, 1214, 1294, 1445, 3784, 3823

H. B. 245—(Public printing, rates for—Reasor).....1103, 1214, 1294, 1445, 2050, 2993, **2995,** 3784, 2823

H. B. 246—(Tax on decree of divorce—W. Jones).....1104, 1214, 2239, 2736

H. B. 247—(Civil Code of Practice, exceptions to depositions—Shaw).....1105, 1214, 1613, 1748, 2240, 2737

H. B. 248—(Policemen in cities of second class, work and vacation hours—Sheehan) 1105, 1214, 1886, 2007, 3027, **3028**

H. B. 249—(Veterans, preference for state positions—Webb) 1106, 1214

H. B. 250—(Certification of school teachers, supervisors and administrators—Hammons and Marshall)....1107, 1214, 1620

H. B. 251—(Pari-mutuel tax, increase in—Hammons).....1107, 1214, 1765, **1766**

H. B. 252—(Licenses to minors between fourteen and sixteen to operate certain motor vehicles, repeal of provisions concerning—Bridgers).....1108, 1214, 1657, 1751, 3432, **3433,** 3956, 4005

H. B. 253—(Hazard, change of classification of—Combs)....1108, 1214, 1292, 1443, 1830, 1831, 2634, 2770

H. B. 254—(Public utilities in cities of first class to furnish customer information to tax commissioners—Holsclaw)....1109, 1214, 2172, 2244, 3195, **3196,** 3879, 3946

H. B. 255—(Elections, voting hours in—Hilton).....1119, 1214, 1532, 1621, 3636, **3639**

H. B. 256—(Gasoline to refund permit, revocation and reissuance of—Love).....1121, 1214, 1827, 1917

H. B. 257—(Gasoline tax refund, application for—Love)....1122, 1214, 1827, 1917

H. B. 258—(Motor transportation, provisions concerning—Hanratty).....1133, 1513, 2004, 2173, 2244, **2282,** 3148, 3467

H. B. 259—(Planning and zoning in cities of second class and counties containing such cities—Baumgardner) 1168, 1513, 1657, 1751, 3197, 3199, 3879, 3946

H. B. 260—(Natural gas leases, required terms—Hammons) 1169, 1513, 2766, 2925

H. B. 261—(Production tax on all mined minerals—Holsclaw) 1170, 1513

H. B. 263—(Barbiturates, regulation of sale of—Burnett)....1175, 1513, 1619, 1750, 2771, **2774,** 3784, 3823

H. B. 264—(Court-appointed attorneys, compensation of—Carter and Smith).....1185, 1513, 2238, 2735

HOUSE BILLS—Continued Page

H. B. 265—(Police in cities of fourth class, working hours of—Crider) 1185, 1513

H. B. 266—(Amusement and theater taxes, repeal of—Tinsley)....1186, 1513, 2238, 2735

H. B. 267—(Civil service and pensions for county employes—Ruh)....1186, 1513, 2240, 2737

H. B. 268—(Planning and zoning commissions in first class cities and counties containing such cities—Barnum) 1194, 1513, 1567, 1751, 2203, **2205,** 3784, 3823

H. B. 269—(Boards of education, filling of vacancies on—Hale and Hayes)....1195, 1513, 1827

H. B. 270—(Coin-operated machines, tax on—Calvert)....1209, 1212, 1213, 1296, 1757, 1851, 1856, 2951, 2969

H. B. 271—(Water Pollution Control Commission, provisions for—Baer)....1229, 1513, 1826, 1916, 2179, **2190,** 2951, 2969

H. B. 272—(Practical nursing, regulation of—Head)....1239, 1514

H. B. 273—(Professional nursing, regulation of—Head)....1244, 1514

H. B. 274—(Building codes for counties—Jonas)....1251, 1514, 2171, 2243, 3631, **3632,** 4051, 4122

H. B. 275—(Mental patients, establishment of reception and treatment center at Central State Hospital—Baer) 1252, 1514

H. B. 276—(Malt beverages, sale of in private clubs—Hale, Hayes and Holbrook)....1253, 1514

H. B. 277—(Salaries of teachers of handicapped children—Stovall) 1254, 1514

H. B. 278—(School tax, levy of and amount—Stovall)....1255, 1514, 1747, 1830, 2310, **2312,** 3148, 3467

H. B. 279—(Property tax, Commissioner of Revenue sole relator in actions for assessment and collection of omitted property—Hayes)....1256, 1514, 1658, 1752

H. B. 280—(Other states granted reciprocal right to sue in Kentucky courts for delinquent taxes—Hayes)....1259, 1514, 1657, 1751, 2741, **2742,** 3784, 3823

H. B. 281—(Corporate income taxation, provisions concerning—Hayes)....1259, 1514, 1658, 1752, 3170, **3177,** 3879, 3946

H. B. 282—(State Bar Association, dues increased—Hayes) 1264, 1514, 1826, 1916, 2768, 2927, 3646, **3647**

H. B. 283—(School taxes, fees for collection of—Hale)....1265, 1514

H. B. 284—(Revenue and taxation, preparation of property tax rolls; listing of corporate shares for taxation—Hayes)....1264, 1514, 1826, 1916, 2768, 2927, 3646, **3647**

H. B. 285—(Revenue, Department of, preservation of records—Hayes)....1268, 1514, 1658, 1752, 3016, **3017,** 3784, 3823

H. B. 286—(Theater tax, definition of "theater"—Hayes)....1268, 1514, 1657, 1751, 2777, **2779,** 3797, 3824

H. B. 287—(Service medal for veterans, provisions for—Shannon and Sheehan)....1269

HOUSE BILLS—Continued Page

H. B. 288—(Northern Kentucky Public Utility District, provisions for—Jonas, Ruh, Shannon, Sheehan, Weintraub and Wirsch).....1271, 3043, 3209, 3608, **3612**

H. B. 289—(State printing contracts, advertisement for bids for—Reasor).....1274, 1658, 1752, 2191, **2192**

H. B. 290—(Income tax, deduction of certain educational expenses—D. Howard and Saylor)..... 1274

H. B. 291—(Gross receipts tax, provisions for—McClain)....1275, 1987, 1988, **1989**, **1990**

H. B. 292—(Practice of architecture by partnership or firm—Baer) 1331, 1514

H. B. 293—(Strip mining, regulation of—Beshear).....1332, 1514, 1889, 2009, 3582, 3599

H. B. 294—(Purchase of motor vehicles for state use, who authorized to—Buckman).....1340, 1514, 1658, 1752, 2775, **3776**, 3784, 3823

H. B. 295—(Practice of medicine, qualifications for—Holbrook) 1342, 1514

H. B. 296—(Holders of revenue bonds, lien in favor of, on real property—Holbrook) 1342, 1514

H. B. 297—(Judicial districts, changes in 2nd, 3rd, 4th, 6th, 7th and 38th districts, new 42nd district created—Spaulding).....1343, 1514, 3420, **3484**

H. B. 298—(Public ways in certain second class cities, method of working on—Spaulding).....1347, 1514, 1659, 1753

H. B. 299—(Public ways and alleys in certain second class cities, alternate method of improvement of—Spaulding) 1348, 1514

H. B. 300—(School teachers, termination of contract—Lowman and Stovall).....1349, 1514, 1659, 1753

H. B. 301—(School teachers, notice of salary; restrictions on transfer of—Lowman and Stovall)..1351, 1514, 1659, 1753

H. B. 302—(Teachers' Retirement System, increase in retirement allowances—Duncan and Runyon).....1352, 1514, 1825, 1915, 3179, **3180**, 3879, 3946

H. B. 303—(St. Patrick's Day to be legal holiday—Shannon) 1353, 1514, 2241, 2738

H. B. 304—(Tobacco, restrictions on the growing of certain types—Horn) 1355, 1514, 1898, 2010

H. B. 305—Mines and minerals, revision of laws concerning—Beatty, Beshear, Combs, Fannin, Hale, Hayes, Hilton, M. Howard, Marshall, Runyon, Sanders and Saylor).....1361, 1514, 1987, 2011, 3252, **3324**

H. B. 306—(Ad valorem tax, dates of assessment, collection, delinquency, etc.—Hammons).....1446, 1514

H. B. 307—(Revenue and taxation, tax commissioner to assume all duties of county clerk relating to assessments for property taxes—Hammons).....1456, 1514

H. B. 308—(Teachers' Retirement System, miscellaneous amendments concerning—Hammons).....1475, 1515, 1986, 2011, 3642, **3645**, 4051, 4122

HOUSE BILLS—Continued Page

H. B. 309—(Consolidation of various incorporated and unincorporated areas in Campbell County into one city—Weintraub)....1488, 1561, 2171, 2243
H. B. 310—(Drug stores to be owned by licensed pharmacists—Davis)....1491, 1561, 1980
H. B. 311—(Compensation to certain officers for road work in counties containing cities of the 3rd class—Bernam Adams)....1493, 1561, 1613, 1748, 2748, 2748, **2749**
H. B. 312—(Property tax exemption for disabled veterans or their widows—Hollan)....1494, 1561
H. B. 313—(Places of entertainment, fixing of hours of operation—Hale)....1494, 1561
H. B. 314—(Falmouth, change of classification—Jacobs)....1494, 1561, 2055, 2173, 3003, **3004**, 3443, 3571
H. B. 315—(Department of Revenue, examination of safe deposit box and other property of deceased persons—Lambert)....1495, 1561, 2765, 2924
H. B. 316—(Gross income tax, provisions for—Hammons)....1497, 1561
H. B. 317—(County and community fairs, University of Kentucky to furnish judges free of charge—Hammons) 1503, 1561, 1898, 2010
H. B. 318—(Police and firemen's pension funds in cities of 2nd and 3rd classes—Morgan)....1524, 1651
H. B. 319—(School taxes, collection of—Steers)....1528, 1651
H. B. 320—(Creation of court of continuous session in 35th Judicial District—Sanders and Runyan)....1529, 1651, 2240, 2737
H. B. 321—(Incorporation of cities, area limitation—Sanders and Runyan)....1530, 1651, 3420, 3484
H. B. 322—(Licensing of farm trucks—Searcy)....1530, 1651, 1898, 2010, 3574, **3575**
H. B. 323—(Alcoholic beverages, location and hours for selling of, in first class cities—Polsgrove)....1533, 1651
H. B. 324—(Chemical plants, prohibited within ten miles of city of first class—Polsgrove)....1534, 1651
H. B. 325—(Labor disputes, prohibits use of force or violence in —Bean)....1534, 1651, 2766, 2925
H. B. 326—(Judicial District, terms of court in 10th—Buckman, Hubbard and Preston)....1536, 1651, 1826, 1916
H. B. 327—(Stenographic reporters in circuit courts, number and compensation—Drury)....1578, 1761, 2172, 2244
H. B. 328—(Employes of horse racing associations, 85% to be citizens and residents of Kentucky—Love)....1580, 1761
H. B. 329—(Deadly weapons, who may carry—Hammons and Thompson)....1580, 1761
H. B. 330—(Old age assistance, date payments to begin—Hammons and Thompson)....1581, 1761
H. B. 331—(Sheriffs, fee for arresting still-operator—Hammons and Thompson)....1581, 1761, 2241, 2738

HOUSE BILLS—Continued Page

H. B. 332—(Stenographic reporters, compensation of, in counties having a population of 150,000 or more—Shaw) 1581, 1761, 1826, 1916

H. B. 333—(Commonwealth's attorneys, compensation of—Jonas) 1583, 1762

H. B. 334—(Grand jury stenographers, compensation of—Hubbard).....1583, 1762, 1826, 1916, 3434, **3436**, 3879, 3946

H. B. 335—(Roll call system, electric, for House of Representatives—Ruh).....1585, 1762, 2921, 3047

H. B. 336—(Shepherdsville, change of classification of—Buckman).....1586, 1762, 1898, 2010, 2997, **2999**, 3443, 3571

H. B. 337—(Augusta, change of classification of—Jacobs)....1587, 1762, 2010, 2055, 2173, 3008, **3009**, 3443, 3571

H. B. 338—(Disabled veterans, special license plate for—Helm, D. Howard and Webb).....1587, 1762

H. B. 339—(Pay toilets, license fee on—Hollan).....1587, 1762

H. B. 340—(Divorce, sixty days notice required before filing of petition for—Smith).....1590, 1762, 3419, 3483

H. B. 341—(Clinical psychologists, certification of—Polsgrove) 1590, 1762, 3417, 3482

H. B. 342—(Workmen's Compensation, miscellaneous provisions concerning—Bridgers, Henry, Hilton, Holbrook, Hollan, Holsclaw, Houpt, M. Howard, Jonas, McPherron, Marshall, Martin, Mitchell, Palmore, Polsgrove, Ruh, Shannon, Spaulding, Stovall, Tinsley, Waterfield, Weintraub)....1591, 1762, 2101, 2173

H. B. 343—(Stationary boiler operators, licensing and regulation of—Stovall).....1597, 1762, 2920, 3047

H. B. 344—(Capital punishment, abolition of—Hayes).....1606, 1762

H. B. 345—(School services for children in state institutions, school districts to be reimbursed for furnishing—Baer) 1653, 1762, 2768, 2927

H. B. 346—(Appropriation for Children's Hospital in Louisville —Baer) 1654, 1762

H. B. 347—(Hodgenville, change in classification of—Hubbard) 1655, 1762, 1898, 2999, **3001**, 3443, 3571

H. B. 348—(Newspaper advertisements required by law, increase in cost of—Hubbard).....1655, 1762, 2103, 2175, 3576, **3577**, 4051, 4122

H. B. 349—(Optometry, practice of, creates board to regulate—Polsgrove) 1686, 1762, 1886, 2007, 2750, **2759**, 4124, 4128, **4129**

H. B. 350—(Common carriers of passengers by motor vehicles, provisions concerning load capacities and drivers—Rayburn).....1695, 1762, 2103, 2175

H. B. 351—(County boards of education, compensation of—Hollan).....1696, 1762, 1825, 1916, 3692, **3693**

H. B. 352—(Two policemen to be on duty at all times in fourth class cities—Hollan).....1697, 1762, 2241, 2738

HOUSE BILLS—Continued Page

H. B. 353—(Ad valorem taxes, deferment of payment of, under certain circumstances—Lowman)....1697, 1762, 2170, 2242

H. B. 354—(Textbooks, selection and adoption of—Losey)....1698, 1762

H. B. 355—(Revenue and taxation, increase in cigarette and malt beverage tax—Lowman).....1706, 1762

H. B. 356—(Taxation in cities of first class, time of payment of tax bills and discounts authorized—Baer).....1727, 1849, 2011, 2995, **2997**, 3797, 3824

H. B. 357—(Teachers' Retirement System, miscellaneous provisions concerning—Baer).....1728, 1849, 2100

H. B. 358—(Non-intoxicating malt beverages, tax on—McPherron) 1733, 1849

H. B. 359—(Absent voting, restricted to active members of armed forces—Lambert).....1734, 1849, 2241, 2738

H. B. 360—(County tax commissioner, succession in office prohibited, examination required—Beatty).....1737, 1849

H. B. 361—("Character building" required in common schools—Sheehan) 1739, 1849

H. B. 362—(Civil Code of Practice, service of process in annulment actions—Lowman).....1739, 1849, 1888, 2009

H. B. 363—(County attorney, assistant, provisions for in certain counties repealed—Stigall).....1740, 1849, 2171, 2243

H. B. 364—(Exemptions from execution, attachment, garnishment, distress warrant or fee-bill—Stovall)....1740, 2055, 3419, 3483

H. B. 365—(Alleged insane and feeble-minded persons, examination of—Baer).....1768, 2055, 2102, 2175, 2743, **2745**, 4051, 4123

H. B. 366—(Petty cash funds for state budget units—Baer) 1770, 2055, 2102, 2175, 2638, **2639**, 3784, 3824

H. B. 367—(Power of attorney, provisions concerning—Hayes) 1771, 2055, 2102, 2175, 2821, **2823**, 3784, 3823

H. B. 368—(Streets, viaducts and bridges that connect state highway system, regulation of traffic on—Buckman) 1772, 2055, 2102, 2175, 2814, **2816**, 4125, 4129, **4130**, 4227

H. B. 369—(Fires near woodland or brushland areas, provisions concerning—Tinsley) 1773, 2055, 2102, 2174, 2746, 2879, **2880**, **3881**, 3947

H. B. 370—(Revenue and taxation, special tax collectors abolished—Tinsley) 1774, 2055, 2101, 2174, 3084, **3085**, 3784, 3824

H. B. 371—(Timberland assessments, provisions concerning—Tinsley).....1775, 2055, 2101, 2174, 3082, **3083**, 3784, 3824

H. B. 372—(State Police, jurisdiction of—Williamson).....1776, 2055, 2102, 2174, 2635, **2637**, 4125, **4131**, 4227

H. B. 373—(State Police, impersonation of an officer of—Williamson)..1777, 2055, 2102, 2174, 2780, **2781**, 3879, 3946

HOUSE BILLS—Continued Page

H. B. 374—(School busses, stopped, traffic regulations concerning—Williamson) 1777, 2055, 2102, 2174, 2804, **2806**, 3784, 3824

H. B. 375—(Speed limits for motor vehicles, penalties—Barkley Jones and Tinsley).....1778, 2055, 2101, 2174, 2790, **2795**, 3784, 3824

H. B. 376—(Condemnation of property for flood control—Lowman).....1782, 2055, 2101, 2174, 2640, **2644**, 3784, 3824

H. B. 377—(License taxes in cities of first class, restrictions on—Holsclaw)....1785, 2055, 2172, 2243, 2823, **2826**, 3375, 3467

H. B. 378—(Compulsory school attendance, provisions made stricter—Searcy).....1787, 2055, 2239, 2736, 3651, **3652**

H. B. 379—(Lebanon Junction, change of classification of—Buckman)....1788, 2055, 2101, 2174, 3001, **3002**, 3443, 3571

H. B. 380—(Workmen's Compensation, miscellaneous provisions concerning—Bernam Adams) 1788, 2055

H. B. 381—(Pawnbrokers, repeal of certain provisions concerning—Morgan).....1798, 2056, **2766**, 2925

H. B. 382—(Mechanical device for signature on Finance Department warrants, provision for—Hubbard).....1798, 2056, 2103, 2175, 2782, **2784**, 3784, 3824

H. B. 383—(Persons under a disability, payment of money to—Carter).....1799, 2056, 2102, 2174, 3014, **3015**, 3880, 3947

H. B. 384—(Adoption and welfare of children, provisions concerning—Baer) 1800, 2056

H. B. 385—(Restaurants, not to regulate as places of entertainment—Fannin) 1820, 2056

H. B. 386—(Pauper idiots, increase in allowance to—Helm)..1821, 2056

H. B. 387—(Birth certificates, copy to be furnished to registrar of county of mother's residence—A. Moore)....1821, 2056

H. B. 388—(School teachers, prohibition against soliciting members for educational organizations—Polsgrove) 1822, 2056, 2100

H. B. 389—(School employes, provisions concerning training and certification of—Doran) 1860, 2056, 2103, 2175, 3404, **3406**, 3880, 3947

H. B. 390—(Motor vehicles, one truck for each person exempted from weight registration fee—Bill Adams and Combs).....1861, 2056, 2241, 2738

H. B. 391—(Greyhound racing, provisions for licensing and regulation of—M. Howard).....1862, 2056

H. B. 392—(County and community fairs, state funds for premiums for—Buckman, Burnley, W. Jones, Morgan and Spaulding).....1868, 2056, 2172, 2244

H. B. 393—(Public projects and events held therein, tax exemptions for—Spaulding).....1870, 2056

H. B. 394—(Open season for certain game—Majors).....1870, 2056

H. B. 395—(Justices of the peace, per diem for serving on county road committees—Losey).....1872, 2056

HOUSE BILLS—Continued Page

H. B. 396—(Annexation of unincorporated territory by cities of second class—Burnett, Burnley, Morgan, Head, Sheehan, Spaulding, Shannon and Weintraub) 1873, 2056, 2103, 2176
H. B. 397—(Motor vehicles, dealer's license plates for—Fannin) 1875, 2056
H. B. 398—(Prior year claims against the state, payment of —Hubbard)....1876, 2056, 2102, 2175, 2788, **2789,** 3784, 3824
H. B. 399—(Sheriffs, fees for summoning circuit court jurors—E. Moore) 1877, 2056
H. B. 400—(Manufacture of sheet metal, tax on—Bernam Adams) 1877, 2056
H. B. 401—(Reappraisal for ad valorem taxes in cities, counties and other taxing districts—Burnley).....1878, 2056, 2170, 2241
H. B. 402—(Motor vehicles, two license plates required on —Houpt) 1879, 2056
H. B. 403—(Game and fish, no closed season on red fox—Barkley Jones) 1880, 2056, 3043, 3209
H. B. 404—(Pinball machines paying off in free games, not gambling devices—Lambert).....1881, 2056, 3042, 3209
H. B. 405—(Plumbers and plumbing, provisions concerning licensing and regulation of—Baer)..1933, 2056, 2920, 3046
H. B. 406—(Time of payment of wages by corporations—Hilton) 1942, 2056
H. B. 407—(Income tax, provisions concerning—Hilton)....1943, 2056
H. B. 408—(County judges, practice of law in probate proceedings in own court—Smith).....1945, 2056, 3420, 3484
H. B. 409—(Child labor in public bowling alleys—Bridgers) 1946, 2056, 2920, 3046, 3633, **3635,** 4051
H. B. 410—(Motor vehicles, use of dealer's plates on—Moorman) 1948, 2056
H. B. 411—(Public employment through civil service or merit system, residence requirement for—Polsgrove) 1950, 2056, 2241, 2738
H. B. 412—(Soil conservation, provisions concerning—Mackey) 1950, 2056, 2103, 2175, 2796, **2801,** 3784
H. B. 413—(Merit system for state employes—Hanratty)....1954, 2056, 2764, 2923, 2930, **2937**
H. B. 414—(Retirement system for state employes—Hanratty) 1961, 2056, 2764, 2923, 2951, 2968
H. B. 415—(Stenographic reporters in certain circuit courts, compensation of—Williamson).....1976, 2057, 3419, 3483
H. B. 416—(Compensation of jurors, increase in—Combs)....1994, 2919, 3046
H. B. 417—(District detectives authorized in certain counties—Combs and Hayes).....1995, 2170, 2242, 3640, **3641,** 4231, 4243
H. B. 418—(Transportation of persons for hire, one cent transfer charge—Holsclaw).....1995, 2239, 2736

HOUSE BILLS—Continued Page

H. B. 419—(Deeds offered for record, requirements of—Polsgrove) 1995

H. B. 420—(Dentists, qualifications and licensing of—Harris) 1996, 2238, 2735, 3011, **3013**

H. B. 421—(School entrance age for children—Runyan.....1997, 2171, 2242, 2807, **2808,** 3228, 3468

H. B. 422—(Purebred cattle industry, development and promotion of—Horn, W. Jones and Moorman)....1998, 2920, 3047, 3578, **3581,** 4052

H. B. 423—Veterinarian, deputy state, increase in maximum salary of—Reasor) 2001

H. B. 424—(Public assistance, provisions concerning—Buckman and Burnett).....2081, 2921, 3048, 3545, **3556,** 4142, 4227

H. B. 425—(Council members in fourth class cities, qualifications of—Beshear) 2091, 2922, 3048

H. B. 426—(State Board of Health, connections of members with medical colleges—Head) 2092, 2240, 2737, 3234, **3236,** 3880, 3947

H. B. 427—(Prosecuting attorney and pro tem in cities of first class—Polsgrove)..2093, 2769, 2927, 3190, **3192,** 4052, 4123

H. B. 428—(Daniel Boone's Day, made a legal holiday—Hammons) 2094

H. B. 429—(Holidays, all state employes to observe the same—Hollan) 2095

H. B. 430—(Industrial relations, bargaining agents for employes—Hayes) 2095

H. B. 431—(Municipal universities, limitation on issuance of bonds for—Baer)....2160, 2764, 2923, 3193, **3194,** 3880, 3947

H. B. 432—(Non-resident vendors selling to state, county, etc., tax on such sales—Cosby)....2161, 2768, 2927, 3407, **3409**

H. B. 433—(Salyersville, change in classification of—Holbrook) 2162, 2764, 2923, 3005, **3007,** 3443, 3571

H. B. 434—(Motor vehicles, weight, height, length and width limits for—Reasor) 2163, 2917, 3044, 3683, **3687,** 4052, 4123

H. B. 435—(State prohibition on alcoholic beverages—Crider).... 2167

H. B. 436—(Additional assistants for Commissioner of Industrial Relations—Hilton and Stovall).....2202, 2919, 3046, 3249, **3251**

H. B. 437—(Assistant county attorneys authorized in certain counties—Baer).....2235, 2765, 2924, 3200, **3202**

H. B. 438—(Terms of court in 2nd Judicial District—Burnley and Morgan) 2237

H. B. 439—(Vanceburg, change in classification of—Rayburn).....2301, 2764, 2923, 3009, **3010,** 3443, 3571, 4227

H. B. 440—(Greyhound racing, provisions for licensing and regulation of—Jonas and Rayburn).....2302, 3419, 3483

H. B. 441—(Bond of county clerk, premium may be paid from fees—Morgan) 2309, 2310, 2738, 2802, **2803,** 3375, 3759, **3760,** 3824

HOUSE BILLS—Continued Page

H. B. 442—(Distribution of equalization fund—Bill Adams, Estep and D. Howard) 2644, 2763, 2922
H. B. 443—(Hospital and medical service associations, miscellaneous amendments of laws concerning—McClain) 2654, 2921, 3048, 3422, **3427,** 3880, 3947
H. B. 444—(Development or redevelopment of slum areas, provisions for—Baer) 2658, 2919, 3046, 3377, **3401,** 4052, 4123
H. B. 445—(Adoption of adult persons authorized—Baer) 2683, 2763, 2922, 3072, **3073,** 4142, 4227
H. B. 446—(Income taxation, increase in—Hanratty) 2683, 2733, 2769, 2845, **2847,** 3228, 3468
H. B. 447—(Equalization fund, provisions concerning, supplemental appropriations to school fund—(Hanratty) 2685, 2733, 2769, 2849, **2853,** 3228, 3468
H. B. 448—(Compensation of public officers and employes—Hanratty)....2869, 2733, 2769, 2854, **2871,** 3185, **3186,** 3468
H. B. 449—(Committee on Functions and Resources of State Government created—Hanratty) 2704, 2733, 2769, 2872, **2876,** 3228, 3468
H. B. 450—(Child welfare, miscellaneous amendments to laws concerning—Baer) 2707, 2763, 2922, 3051, **3071,** 4142, 4227
H. B. 451—(Contraceptive devices, excise tax on sale of—Smith) 2725, 2921, 3048
H. B. 452—(Annual reports of certain insurance companies, requirements of—Holsclaw) 2726, 2768, 2927, 3430, **3431,** 3956, 4005
H. B. 453—(Procedure in circuit courts with special judges—Hayes) 2727
H. B. 454—(Tax bills, taxpayer's address to be on—Ruh and Sheehan) 2728
H. B. 455—(Teaching training, provisions for program of in-service training—Doran) 2762, 2921, 3048, 3485, **3486,** 4142, 4227
H. B. 456—(Handicapped children, education of—Bridgers)..... 2763
H. B. 457—(Repeals provisions requiring more than one city license for vehicle for doing business in more than one city—Burnley) 2827, 2921, 3048
H. B. 458—(Appropriation for expenses of General Assembly—Calvert) 2828, 3044, 3211, 3402, **3403,** 3832, 3850
H. B. 459—(Ownership and operation of gas systems by cities and gas districts—Holsclaw) 2828, 3044, 3210
H. B. 460—(Equalization fund, distribution of—D. Howard) 2841, 2920, 3047
H. B. 461—(County treasurer, appointment of and term—Hilton) 2841, 2920, 3046
H. B. 462—(Gross receipts tax on chain stores—Thompson)..... 2881
H. B. 463—(Liens, priority between certain types—Bronston).. 2888

HOUSE BILLS—Continued Page

H. B. 464—(Rural electric cooperatives, Public Service Commission rules and laws applied to—Moorman)....2889, 3042, 3209, 3232, **3233,** 3880, 3947

H. B. 465—(Medical college at University of Kentucky, provisions for—Love, Mitchell and Palmore)..... 2889

H. B. 466—(Legal actions, tax on—Hanratty) 2891, 3042, 3209, 3427, **3429,** 3889, 3947

H. B. 467—(Dogs, licensing and regulation of—Baer, Henry, Hubbard, Horn, W. Jones, McClain, Mackey, Moorman, Reasor, Snapp, Taylor and Williamson)..2891, 3043, 3209, 3613, **3630**

H. B. 468—(Inheritance and estate taxes, distribution of property subject to—Smith) 2907

H. B. 469—(Educational organization, prohibitions against solicitation of members for—Polsgrove) 2910

H. B. 470—(School attendance, miscellaneous amendments of laws concerning—Britton) 2910

H. B. 471—(Licensing and regulation of business of liquefied or compressed gas—Fannin) 3029, 3418, 3482

H. B. 472—(Appropriation for payment of prior year claims—Hanratty) 3031, 3418, 3482, 3662, **3667,** 4052, 4123

H. B. 473—(Tax bills, taxpayer's address to appear on, sheriff to mail notice to taxpayer—Ruh and Sheehan)..... 3035

H. B. 474—(Constitutional amendment to allow free textbooks to be furnished to sectarian and denominational schools—Smith) 3037

H. B. 475—(Pari-mutuel betting, tax on, miscellaneous amendments of law concerning—B. Jones) 3038

H. B. 476—(Equalization fund, level of teachers' salaries as matter concerning eligibility for participation in—Lowman) 3039, 3420, 3484

H. B. 477—(Circuit court reporters, compensation of—Waterfield) 3203, 3419, 3483, 3697, **3699**

H. B. 478—(Electrical contracting, regulation of business of, in second class cities—Burnley and Morgan) 3204, 3420, 3484

H. B. 479—(Complete roster of all public officers and employes to be compiled and maintained by Secretary of State—Sheehan) 3205

H. B. 480—(Property conveyed to state, price to be set out on face of deed or bill of sale—Hubbard).....3205, 3418, 3482, 3688, **3689,** 4052, 4123

H. B. 481—(Department of Aeronautics, use of certain funds of—Hubbard)....3206, 3418, 3482, 3689, **3691,** 4052, 4123

H. B. 482—(Constitutional amendment providing for additional courts—Calvert) 3410

H. B. 483—(Police officers in cities of 4th, 5th and 6th classes, jurisdiction of—Henry) 3411

H. B. 484—(Monthly expense allowance for elected constitutional state officers—Hayes and Lowman) 3413

HOUSE BILLS—Continued Page
H. B. 485—(Workmen's Compensation, compensation of members of Board—Harris) 3414
H. B. 486—(Investigation of affairs and activities of State Textbook Commission—Preston) 3414

HOUSE JOURNALS
Number to be printed (H. B. 244) 1102

HOUSE OF REPRESENTATIVES
Roll call system, electric, for (H. B. 335) 1585

HOUSE RESOLUTIONS
H. R. A—(Adoption of rules—Hanratty) 13, **36**
H. R. B—(Authorizing speaker to employ assistants—Hanratty) 37
H. R. C.—(Committee to give notice of organization of the House—Hanratty) 37
H. R. D—(Invitation to Frankfort pastors to open sessions of House with a prayer—Hanratty) 38
H. R. E—(Providing for committee rooms—Hanratty) 38
H. R. 1—(Contingent funds for clerks—Hanratty).....38, 47, 48, 66, 129, **130,** 220, 239
H. R. 2—(Additional compensation for officers and employes of General Assembly—Hanratty) 39, 47, 48, 66, 131, **133,** 220, 239
H. R. A^2—(Directing Statute Revision Commission to abstract bills as introduced—Preston) 69
H. R. 3—(Investigation of Aeronautics Department—Hubbard).....70, 144, 192, 237, 269, 338, **342,** 473, 801
H. R. 4—(Investigation of state institutions of higher learning—Palmore) 73, 385
H. R. 5—(Authorizing suit by administratrix of estate of Hay Stewart—Spaulding).....148, 386, 1117, 1197, 1636, **1638**
H. R. B^2—(Proposing amendments to the Rules of the House—Weintraub).....194, 217, 242, 386, 433, 434, 829, 1118
H. R. 6—(Investigation of Department of State Police—Reasor) 220, 386, 466, 766, 802, **806**
H. R. 7—(Authorizing suit by Cassius Stone—Taylor).....224, 386, 1887, 2008, 3491, **3492,** 4142, 4228
H. R. A^4—(State Property and Buildings Commission, request for information concerning administration of—Preston) 243, 1321
H. R. 8—(State Bar Examination, process of reporting results of—Smith) 243
H. R. 9—(To pay claim of F. J. Alsop—Beatty) 267, 409, 829, 1532, 1621, 3524, **3525,** 4142, 4228
H. R. 10—(Authorizing suit by Johnie Hale—Hale and Hayes) 404, 829, 982, 1123, 1206, **1208,** 4143, 4228
H. R. 11—(To pay pauper idiot claims—Hubbard).....405, 829, 1887, 2008, 3526, **3527,** 4143, 4228

HOUSE RESOLUTIONS—Continued Page

H. R. 12—("The Legislative Digest," provisions for purchase and distribution of—Hanratty) 434, 829, 885, 937, 988, **989,** 1726, 1747, 2230

H. R. 13—(Authorizing suit by Marlene Bartley—Runyan and Sanders) 470, 859, 1293, 1444, 1644, **1645,** 4140, 4241, **4242,** 4254

H. R. 14—(Authorizing suit by Richard Blackwell—Runyan and Sanders)....471, 859, 1293, 1444, 1646, **1647,** 4126, 4137, 4228

H. R. 15—(Authorizing suit by Annie Blackwell—Runyan and Sanders) 472, 859, 1293, 1444, 1641, **1643,** 4126, **4135,** 4136, 4228

H. R. 16—(Authorizing suit by Buford Keeton—Runyan and Sanders) 473, 859, 1293, 1444, 1639, **1641,** 4127, 4134, **4135,** 4228

H. R. 17—(Designating 1950 as Homecoming Year in the Commonwealth of Kentucky—Ruh).....777, 859, 982, 1123, 1199, **1206,** 1834, **1835, 1857,** 1992

H. R. 18—(Providing for a committee to investigate the recording and making up of the House Journal for the proceedings of January 10, 1950—Preston).....862, 954

H. R. 19—(Legislative Research Commission to study and report on method of selecting textbooks—W. Jones)....864, 931

H. R. 20—(War veterans, Kentucky, memorializing Veterans Administration to give more prompt medical attention to—Marshall) 865

H. R. 21—(Authorizing suit by Bonnie Blake—Saylor).....882, 954

H. R. 22—(Memorializing 50th anniversary of Governor Goebel's assassination—Jonas, Ruh, Shannon and Sheehan) 889

H. R. 23—(To pay claim of Teddy C. Decker—Losey).....894, 1127, 1888, 2009, 3528, **3529,** 4228

H. R. 24—(Declaring January 31, 1950, "Elks" night in the General Assembly—Polsgrove) 936

H. R. 25—("Doc" Beauchamp commanded to aid Navy in freeing battleship Missouri from mud bank—Polsgrove)..... 937

H. R. A[5]—(Inviting Japanese envoys to visit the House of Representatives—Losey) 1009

H. R. 26—(Authorizing suit by Phillip Thompson—Martin).....1110, 1214, 1532, 1621, 3493, **3495,** 4143, 4228

H. R. 27—(Authorizing Esther Thompson to sue the Grayson County Board of Education—Majors).....1110, 1214

H. R. 28—(Authorizing suit by John Helton—Runyan and Sanders) 1112, 1214

H. R. 29—(Authorizing Pirtle Thompson to sue the Grayson County Board of Education—Majors).....1113, 1214

H. R. 30—(Authorizing suit by Elizabeth J. Crowe—Bernam Adams) 1130, 1283, 1515, 2173, 3496, **3497**

H. R. 31—(Authorizing suit by E. G. Crowe—Bernam Adams) 1131, 1284, 1515, 2173, 3498, **3500**

H. R. 32—(To pay claim of C. B. Wilson—Carter).....1132, 1285, 1515, 1887, 2008, 3530, **3531,** 4143, 4228

HOUSE RESOLUTIONS—Continued Page

H. R. 33—(To pay claim of Coye Perkins—Fannin).....1286, 1515

H. R. 34—(Authorizing J. L. Collins to sue the University of Kentucky—Weintraub) 1281, 1515, 1532, 1621, 3501, **3504**

H. R. 35—(Authorizing suit by Walter Payne—Hammons)....1437, 1515, 1888, 2009, 3505, **3506**

H. R. 36—(Authorizing suit by V. H. McDaniel—Horn)....1503, 1561, 3043, 3210, 3507, **3509**, 4143, 4229

H. R. 37—(Authorizing suit by Alvin Adkins—Marshall)....1505, 1531, 1561, 1621

H. R. 38—(Authorizing suit by James Miller—Hollan).....1506, 1561, 1886, 2007, 3542, **3544**

H. R. 39—(Kentucky Directory, resolution for purchase and distribution of—Hanratty) 1518, 1651, 1658, 1752, 2009, 3187, **3188**, 4143, 4229

H. R. 40—(Resolution directing Legislative Research to study Child Welfare in Kentucky—Baer, Barnum, Bean, Bridgers, Baumgardner, Head, Holsclaw, Hayes, Moorman and Tinsley) 1519, 1651

H. R. 41—(Authorizing that Luther E. Sowders, employe of Department of Conservation, be covered under Workmen's Compensation at time of his death—Crider and Saylor) 1520, 1651

H. R. 42—(Authorizing suit by W. A. "Bud" Mitchell—Love) 1523, 1651, 1888, 2008, 3510, **3511**

H. R. 43—(Authorizing suit by Cora A. and Clayton Whitaker—Lambert).....1612, 1762, 1887, 2008, 3512, **3514**, 4143, 4229

H. R. 44—(Directing the Legislative Research Commission to study problem of safety on the highways—Ruh) 1744, 1850

H. R. 45—(Authorizing that W. J. Curtis be buried in Blue Licks Battlefield State Park—Mackey).....1745, 1850, 2240, 2737, 3189, 3880, 3947

H. R. 46—(Authorizing Lena and J. E. Carter to sue the Commonwealth—Moorman) 1746, 1850, 1888, 2009, 3514, **3516**, 4127, 4138, **4139**, 4229

H. R. 47—(Expressing sympathy and best wishes for speedy recovery of Representative Alton Mitchell—Beatty) 1767

H. R. 48—(Governor Fields Memorial Highway, designation of part of Highway 165 as—Mackey and Snapp)....1823, 2228, 3880

H. R. 49—(Resolution to pay claim of Hager Watson—Holbrook).....1824, 2057, 2766, 2925, 3532, **3534**, 4143, 4229

H. R. 50—(Resolution inviting the Honorable John Sherman Cooper to address the House of Representatives—Losey) 1848

H. R. 51—(Authorizing W. C. Sisk to sue the Commonwealth—W. Jones) 1883, 2057

HOUSE RESOLUTIONS—Continued Page
H. R. 52—(Payment of claim to estate of Clarence Miller—Burnley and Rayburn) 1884, 2057, 2238, 2735, 3535, **3536,** 4143, 4229
H. R. 53—(Authorizing suit by Richmond Saylor—Holbrook)....1885, 2057, 2928, 3517, **3518,** 4144, 4229
H. R. 54—(Payment of claim to Elmine Watts—Holbrook) 1977, 2057, 2922, 3049, 3537, **3538,** 4144, 4229
H. R. 55—(Directing Legislative Research Commission to investigate the state tax program and potential tax sources—Ruh) 1978, 2057
H. R. 56—(Authorizing suit by Dr. B. R. Conley—Holbrook) 1979, 2057
H. R. 57—(Authorizing suit by Ennis, Jim and Olney Ball—Walter) 1979, 2057
H. R. 58—(Payment of claim to Egerton Shaw—Hollan)....2001
H. R. 59—(Authorizing suit by John Hatton—Bernam Adams) 2097, 3043, 3210, 3539, **3541**
H. R. 60—(Authorizing suit by John Thorpe—Hollan) 2098
H. R. 61—(Authorizing suit by William Mudd—Deering)....2099, 3042, 3209, 3519, **3520,** 4144, 4230
H. R. 62—(Commending Eastern Kentucky State College basketball team for winning O.V.C. Tournament—Cosby) 2158
H. R. 63—(Resolution concerning method of operation of Rules Committee—Weintraub) 2159
H. R. 64—(Authorizing suit by Chester Logan—Bill Adams)....2168, 2921, 3047, 3521, **3523,** 4144, 4230
H. R. 65—(Requesting the "Courier-Journal" to print certain facts—Searcy) 2206
H. R. 66—(Directing Legislative Research Commission to investigate child-adoption laws and procedures—Morgan) 2228
H. R. 67—(Memorializing Congress to provide adequate flood control of Clark's River—B. Jones, Doran and Love) 2230
H. R. 68—(Directing Legislative Research Commission to investigate child welfare laws and recommend a Children's Code—Baer and Hayes)....2231, 2233, 3043, 3210, 3437, **3439,** 4149
H. R. 69—(Additional compensation for officers and employes of General Assembly)..2729, 2763, 2922, 3079, **3081,** 3469, 3566
H. R. 70—(Directing plaque to be placed on desk occupied by Mrs. J. Lee Moore, first Lady Senator—Steers) 2734, 3420, 3484, 3658, **3660,** 4144, 4230
H. R. 71—(Authorizing suit by Beatrice Frazier—Jonas)....2842
H. R. 72—(Authorizing suit by G. W. and Ollie D. Lykins—Combs) 2915, 3420, 3484
H. R. 73—(Additional appropriations to contingent funds of Clerks of House and Senate—Hanratty)....**2916,** 3044, 3210, 3572, **3573,** 4144, 4230

HOUSE RESOLUTIONS—Continued Page
H. R. 74—(Authorizing suit by T. C. Spencer—Hollan) 3040
H. R. 75—(To pay claim of G. G. Hibbard—Britton) 3041
H. R. 76—(Expressing sympathy with needs and wishes of teachers—Bean, Beatty, Buckman, Deering, McClain, McPherron, Martin and Taylor) 3207
H. R. 76A—(In memory of Kelly J. Francis—Thompson) 3230
H. R. 77—(April designated as "National Census Month"—Weintraub) 3376
H. R. 79—(Expressing appreciation to University of Kentucky Department of Mining and Metallurgical Engineering for offering to furnish each member with bookends made from Kentucky iron ore—Rayburn) 3661
H. R. 80—(Directing Legislative Research Commission to investigate state revolving, trust and agency fund accounts—Lowman) 3662
H. R. 81—(Extending thanks to George T. Stagg Distillery for use of facilities to hold the Return Ball—Henry) 4079, 4231
H. R. 82—(Extending congratulations to the citizens of Floyd County on the occasion of the sesquicentennial of the formation of Floyd County—Hale and Hayes) 4116, 4231

HOWARD, DURHAM W.
Bills and Resolutions introduced: H. B. 114 (494), H. B. 116 (496), H. B. 174 (874), H. B. 200 (930), H. B. 290 (1274), H. B. 338 (1587), H. B. 442 (2644), H. B. 460 (2841)
Committees served on: 11, 37, 202 to 216, 2109, 4258
Speaker, nomination for 10

HOWARD, MAURICE G.
Bills and Resolutions introduced: H. B. 1 (40), H. B. 24 (121), H. B. 25 (122), H. R. A[3] (147), H. B. 79 (400), H. B. 80 (400), H. B. 87 (418), H. B. 123 (785), H. B. 153 (842), H. B. 154 (843), H. B. 169 (871), H. B. 200 (930), H. B. 205 (958), H. B. 305 (1361), H. B. 342 (1591), H. B. 391 (1862)
Committees served on: 202 to 216

HUBBARD, ROBERT N.
Bills and Resolutions introduced: H. R. 3 (70), H. R. 11 (405), H. B. 109 (490), H. B. 146 (821), H. B. 148 (823), H. B. 200 (930), H. B. 201 (945), H. B. 211 (963), H. B. 225 (1013), H. B. 326 (1536), H. B. 334 (1583), H. B. 347 (1655), H. B. 348 (1655), H. B. 382 (1798), H. B. 398 (1876), H. B. 467 (2891), H. B. 480 (3205), H. B. 481 (3206)
Committees served on: 202 to 216, 2109

INCOME TAX—see REVENUE AND TAXATION

INCOMPETENT PERSONS
Alleged insane or feeble-minded person, examination of (H. B. 365) 1768
Payment of money to, under certain circumstances (H. B. 383) 1799

INCORPORATION OF CITIES
Page
Area limitation upon (H. B. 321) 1530

INDEXER OF PUBLIC RECORDS
Compensation of indexer of real property records in certain counties (H. B. 96) 462

INDUSTRIAL RELATIONS, COMMISSIONER OF
Additional assistants for (H. B. 436) 2202

INDUSTRIAL RELATIONS
Bargaining agents for employes (H. B. 430) 2095

INFLAMMABLE LIQUIDS
Sale of, regulation of (H. B. 67) 349

INHERITANCE TAXATION—see REVENUE AND TAXATION

INSANE PERSONS
Alleged, examination of (H. B. 365) 1768

INSURANCE
Annual reports of certain type companies, requirements of (H. B. 452) 2726
Fire insurance rates, uniformity in (H. B. 156) 844
New insurance code (H. B. 116) 496
School children, group insurance for, provided by school boards (H. B. 181) 901

JACOBS, SILAS
Bills and Resolutions introduced: H. B. 142 (816), H. B. 314 (1494), H. B. 337 (1587)
Committees served on: ..... 202 to 216

JANITOR OF HOUSE
Election, oath 12, 13

JAMESTOWN, CITY OF
Change of classification of (H. B. 90) 429

JAPANESE ENVOYS
Resolution inviting them to visit House of Representatives (H. R. A[5]) 1009

JONAS, PAUL S.
Bills and Resolutions introduced: H. B. 60 (265), H. B. 87 (418), H. B. 108 (490), H. B. 153 (842), H. B. 154 (843), H. B. 175 (875), H. R. 22 (889), H. B. 214 (965), H. B. 274 (1251), H. B. 288 (1211), H. B. 333 (1583), H. B. 342 (1591), H. R. 71 (2842)
Committees served on: ..... 47, 202 to 216, 2109

JONES, BARKLEY
Bills and Resolutions introduced: H. B. 125 (787), H. B. 150 (838), H. B. 174 (874), H. B. 200 (930), H. B. 375 (1778), H. B. 403 (1880), H. R. 67 (2230), H. B. 475 (3038)
Committees served on: ..... 37, 202 to 216

Page

JONES, WILLIAM L.
Bills and Resolutions authorized: H. B. 57 (254), H. B. 59 (255), H. R. 19 (864), H. B. 200 (930), H. B. 246 (1104), H. B. 392 (1868), H. R. 51 (1883), H. B. 422 (1998), H. B. 467 (2891)
Committees served on:.....47, 202 to 216, 2109

JOURNALS OF HOUSE AND SENATE
Distribution of (H. B. 144) 819
House Journal, provision for committee to investigate the recording and making up of proceedings of January 10, 1950 (H. R. 18) 862
Number to be printed (H. B. 244) 1102

JUDICIAL DISTRICTS
Continuous session in 35th district (H. B. 320)..... 1529
2nd, change in (H. B. 46) 232
(H. B. 297) 1343
2nd, terms in (H. B. 438) 2237
3rd, changes in (H. B. 46) 232
(H. B. 297) 1343
4th, changes in (H. B. 46) 232
(H. B. 297) 1343
6th, changes in (H. B. 297) 1343
7th, changes in (H. B. 297) 1343
10th, terms in (H. B. 326) 1536
24th, terms in (H. B. 37) 156
28th, changes in (H. B. 75) 392
29th, changes in (H. B. 75) 392
35th, court of continuous session in (H. B. 320)..... 1529
38th, changes in (H. B. 297) 1343
40th, created (H. B. 75) 392
42nd, created (H. B. 46) 232
(H. B. 297) 1343

JUDICIAL SALES
Advertisements concerning, newspaper (H. B. 72)..... 389

JURORS
Compensation of (H. B. 1) 40
(H. B. 6) 44
(H. B. 27) 128
(H. B. 36) 155
(H. B. 65) 346
(H. B. 416) 1994
Police court in second class cities, in, selection of (H. B. 121)..... 783

JUSTICES OF THE PEACE
Compensation for serving on county road committees (H. B. 19) 118
(H. B. 49) 245
(H. B. 395) 1872

JUVENILE AFFAIRS
Circuit court to have control of (H. B. 101)..... 476
Creation of Commission on (H. B. 101) 476

JUVENILE COURTS Page
Constitutional amendment to allow (H. B. 482) 3410

KENTUCKY DERBY
Constitutional amendment to allow lottery on, to pay veterans' bonus (H. B. 87) 418

KENTUCKY DIRECTORY
Resolution to provide for purchase and distribution of (H. R. 39) 1518

KENTUCKY TRAINING HOME
Letter from, to Woodrow Hollan 775

KEROSENE
Sale of, regulation of (H. B. 67) 349

LABOR DISPUTES
Use of force or violence prohibited in (H. B. 325) 1534

LAMBERT, JAMES W.
Bills and Resolutions introduced: H. B. 91 (429), H. B. 94 (432), H. B. 200 (930), H. B. 315 (1495), H. R. 43 (1612), H. B. 359 (1734), H. B. 404 (1881)
Committees served on: 202 to 216, 2109

LANDLORD AND TENANT
Termination of tenancy at will or by sufferance, notice requirements for (H. B. 73) 390

LAWRENCE, JESSE H.
Bills and Resolutions introduced: H. B. 112 (492), H. B. 128 (789), H. B. 200 (930)
Committees served on: 202 to 216

LEBANON JUNCTION, CITY IN
Change in classification of (H. B. 379) 1788

LEGAL ACTIONS
Tax on (H. B. 466) 2891

LEGAL ADVERTISEMENTS
Increase in cost of, in newspapers (H. B. 348) 1655

LEGAL INSTRUMENTS
Acknowledgement of, by county surveyors (H. B. 195) 914

LEGISLATIVE DIGEST
Purchase and distribution of (H. R. 12) 434

LEGISLATIVE RESEARCH COMMISSION
Directed to furnish assistance and facilities to Committee on Functions and Resources of State Government (H. B. 449) 2704
Resolution directing investigation of child adoption laws and procedures (H. R. 66) 2228
Resolution directing an investigation of child welfare laws
(H. B. 450) 2725
(H. R. 40) 1519

LEGISLATIVE RESEARCH COMMISSION—Continued Page
Resolution directing investigation of child welfare laws and recommendation of Children's Code (H. R. 68) 2231
Resolution directing study of safety on highways (H. R. 44) 1744
Resolution directing an investigation of state revolving, trust and agency fund accounts (H. R. 80) 3662
Resolution directing investigation of state tax program and potential tax sources (H. R. 55) 1978
Resolution directing investigation of textbook selection and adoption (H. B. 19) 864

LIBRARIES
Depository libraries of public books and documents, provisions for (H. B. 201) 945

LIBRARY AND ARCHIVES, STATE DEPARTMENT OF
Central depository, for public books and documents, designation as (H. B. 201) 945

LIENS
Holder of revenue bonds to build public projects to have lien on property (H. B. 296) 1342
Priority between certain types (H. B. 463) 2888

LIEUTENANT-GOVERNOR
Expense account for (H. B. 18) 116
Expense allowance for (H. B. 200) 930

LINTON, MRS. JAMES T.
Committees served on: ..... 11, 37, 69, 202 to 216, 2109

LIQUOR CONTROL
State monopoly on sale of alcoholic beverages (H. B. 71) 351

LIVESTOCK
Cattle running at large, state wide prohibition concerning (H. B. 115) 495

LONDON, CITY OF
Change in classification of (H. B. 215) 966

LOSEY, HOMER E.
Bills and Resolutions introduced: H. B. 81 (401), H. B. 127 (789), H. B. 153 (842), H. B. 154 (843), H. B. 174 (874), H. R. 23 (894), H. R. A5 (1009), H. B. 234 (1044), H. B. 354 (1698), H. R. 50 (1848), H. B. 395 (1872)
Committees served on: ..... 202 to 216

LOVE, A. L. (CHICK)
Bills and Resolutions introduced: H. B. 10 (64), H. B. 11 (64), H. B. 12 (65), H. B. 19 (118), H. B. 76 (394), H. B. 97 (463), H. B. 256 (1121), H. B. 257 (1122), H. R. 42 (1523), H. B. 328 (1580), H. R. 67 (2230), H. B. 464 (2889)
Committees served on: ..... 202 to 216

LOWMAN, HARRY KING Page
Bills and Resolutions introduced: H. B. 92 (430), H. B. 130 (790), H. B. 131 (797), H. B. 193 (912), H. B. 194 (913), H. B. 300 (1349), H. B. 301 (1351), H. B. 353 (1697), H. B. 355 (1706), H. B. 362 (1739), H. B. 376 (1782), H. B. 476 (3039), H. R. 80 (3662).
Committees served on: ....47, 202 to 216, 2109

LOYALTY OATH
Employes of public educational institutional institutions, required of (H. B. 188) 908

McCLAIN, G. LEE
Bills and Resolutions introduced: H. B. 291 (1275), H. B. 443 (2654), H. B. 467 (2891), H. R. 76 (3207)
Committees served on: ....202 to 216, 2109

McPHERRON, JACK
Bills and Resolutions introduced: H. B. 18 (116), H. B. 200 (930), H. B. 235 (1047), H. B. 342 (1591), H. B. 358 (1733), H. R. 76 (3207)
Committees served on: ....202 to 216

MACKEY, TRUE
Bills and Resolutions introduced: H. B. 87 (418), H. B. 126 (788), H. B. 163 (867), H. B. 200 (930), H. R. 45 (1745), H. R. 48 (1823), H. B. 412 (1950), H. B. 467 (2891)
Committees served on: ....202 to 216

MAJORS, DAMON
Bills and Resolutions introduced: H. B. 200 (930), H. R. 27 (1110), H. R. 29 (1113), H. B. 394 (1870)
Committees served on: ....202 to 216

MALT BEVERAGES
Minimum mark-up on sale of (H. B. 47) 234
Sale of, in private clubs (H. B. 276) 1253
Tax on, increase in, to increase teachers' salaries (H. B. 32) 153

MARRIAGE
Actions for annulment, service of process in (H. B. 362) 1739
License, modification of waiting period for issuance of (H. B. 9).... 46
Records concerning, penalty for failure of clerk to keep (H. B. 53).. 248
Restrictions on right of remarriage to another person (H. B. 26).. 125

MARRIED WOMEN
Surety, may contract as (H. B. 12) 65
(H. B. 107) 489

MARSHALL, WILLIAM T.
Bills and Resolutions introduced: H. B. 37 (156), H. B. 52 (246), H. B. 82 (402), H. B. 102 (485), H. R. 20 (865), H. B. 164 (868), H. B. 200 (930), H. B. 250 (1107), H. B. 305 (1361), H. R. 37 (1505), H. B. 342 (1591)
Committees served on: ....202 to 216

Page

MARTIN, CITY OF
Change of classification of (H. B. 183) 904

MARTIN, JOHN
Bills and Resolutions introduced: H. B. 200 (930), H. R. 26 (1110), H. B. 342 (1591), H. R. 76 (3207)
Committees served on: .....202 to 216

MECHANICAL DEVICES
Use in signing Department of Finance warrants authorized (H. B. 381) 1798

MEDICAL COLLEGE
Establishment of, at University of Kentucky (H. B. 464) 2889

MEDICAL SERVICE CORPORATIONS
Miscellaneous amendments to laws concerning (H. B. 443) 2654

MEDICINE, PRACTICE OF
Qualifications for (H. B. 295) 1342

MEMBERSHIP OF HOUSE
Certification 4
Oath 10

MENTAL PATIENTS
Establishment of reception and treatment center at Central State Hospital (H. B. 275) 1252

MERCHANTS
Credit statement may be required from customer (H. B. 21)..... 120

MERIT PERSONNEL SYSTEM
State employment, for (H. B. 413) 1954

MESSAGES FROM GOVERNOR
Budget message 49, 135

METAL, SHEET
Tax on manufacture of (H. B. 400) 1877

MILITARY AFFAIRS, DEPARTMENT OF
Rank of Adjutant General (H. B. 92) 430
Service metal for veterans, provisions for (H. B. 287) 1209

MINES AND MINERALS
Revisions of laws concerning (H. B. 304) 1361
Strip mining, regulation of (H. B. 293) 1332

MINE SHAFTS, ABANDONED
Required to be closed (H. B. 208) 960

MINORS
Payment of money to, in certain circumstances (H. B. 383) 1799
Prohibited where alcoholic beverages sold (H. B. 7) 45
Under sixteen, prohibited from working in public bowling alleys (H. B. 409) 1946

MISREPRESENTATION OF AGE Page
Made a misdemeanor (H. B. 185) 906

MITCHELL, ALTON B.
Bills and Resolutions introduced: H. B. 127 (789), H. B. 152 (839), H. B. 174 (874), H. B. 200 (930), H. B. 342 (1591), H. B. 464 (2889)
Committees served on: .....202 to 216

MOORE, ARCHIE R.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 387 (1821)
Committees served on: .....202 to 216

MOORE, EMMETT G.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 399 (1877)
Committees served on: .....202 to 216

MOORE, MRS. J. LEE
Plaque directed to be placed on desk occupied by (H. R. 70) 2734

MOORMAN, WALTER R.
Bills and Resolutions introduced: H. B. 35 (154), H. B. 40 (185), H. B. 41 (185), H. B. 115 (495), H. R. 40 (1519), H. R. 46 (1746), H. B. 410 (1948), H. B. 422 (1998), H. B. 464 (2889), H. B. 467 (2891)
Committees served on: .....47, 202 to 216, 2109

MORGAN, FRED H.
Bills and Resolutions introduced: H. B. 20 (118), H. B. 21 (120), H. B. 22 (120), H. B. 46 (232), H. B. 70 (351), H. B. 86 (417), H. B. 87 (418), H. B. 117 (761), H. B. 130 (790), H. B. 153 (842), H. B. 154 (843), H. B. 159 (845), H. B. 160 (846), H. B. 161 (847), H. B. 197 (917), H. B. 198 (917), H. B. 199 (918), H. B. 200 (930), H. B. 318 (1524), H. B. 381 (1798), H. B. 392 (1868), H. B. 396 (1873), H. R. 66 (2228), H. B. 438 (2237), H. B. 441 (2309), H. B. 478 (3204)
Committees served on: .....11, 202 to 216, 2109

MORTGAGES
Liens resulting from, priority of (H. B. 463) 2888

MOTOR CARRIERS
City license tax or fee authorized on (H. B. 154) 843
Common carriers of passengers, load capacities and number of drivers (H. B. 350) 1695
Taxicabs, operation over bus lines (H. B. 34) 154
Transfer charge on conveyances for hire (H. B. 418) 1995

MOTORISTS' FINANCIAL RESPONSIBILITY
Compulsory responsibility law (H. B. 59) 255

MOTOR TRANSPORTATION
Provisions concerning (H. B. 258) 1133

MOTOR VEHICLES — Page
City licenses for doing business in, repeal of provisions requiring licensure in more than city (H. B. 457) ... 2827
Dealer's license plates for (H. B. 397) ... 1875
Dealer's plates, use of (H. B. 410) ... 1948
Emergency vehicles, authorized, defined (H. B. 221) ... 995
Farm trucks, licensing of (H. B. 322) ... 1530
Guest, liability of motorist to (H. B. 171) ... 872
Less than 5 horse power, repeal of licensing provisions of minors between 14 and 16 (H. B. 252) ... 1108
Liability of driver for injury to free passenger (H. B. 171) ... 872
Licensing of (H. B. 179) ... 878
Licensing of, two plates required (H. B. 402) ... 1879
Lights on, regulations concerning (H. B. 221) ... 995
Registration of, one truck for each person exempted from weight registration fee (H. B. 390) ... 1861
Registration records, preservation of (H. B. 285) ... 1268
School bus, stopped, traffic regulations when overtaking or meeting (H. B. 374) ... 1777
Special license plates for disabled war veterans, (H. B. 338) ... 1587
Speed limits for, penalties (H. B. 375) ... 1778
State use, for, who may purchase (H. B. 294) ... 1340
Television receivers prohibited in certain parts (H. B. 207) ... 959
Traffic signals required for operators of (H. B. 223) ... 999
Trucks, one for each person exempted from weight registration fee (H. B. 390) ... 1861
Trucks on highway to travel 250 feet apart (H. B. 220) ... 995
Trucks on highway to travel 500 feet apart (H. B. 216) ... 967
Trucks, weight, height, length and width limits for (H. B. 434) ... 2163
Usage tax on, repeal of (H. B. 145) ... 820
Veterans disabled war, special license plates for (H. B. 338) ... 1587
Weight, height, length and width limits for trucks, trailers, etc. (H. B. 434) ... 2163
Wrecker, defined (H. B. 221) ... 995

MUNFORDVILLE, CITY OF
Change of classification of (H. B. 109) ... 490

MUNICIPAL UNIVERSITIES
Bonds for, limitation on issuance of (H. B. 431) ... 2160

NABB, C. SID
Bills and Resolutions introduced ... None
Committees served on: ... 47, 202 to 216, 2109

NATURAL GAS LEASES
Terms of, required (H. B. 260) ... 1169

NEEDY PERSONS
Public assistance for, revision of law concerning (H. B. 424) ... 2081

NEWPORT
Consolidation of various incorporated and unincorporated areas in Campbell County into one new city (H. B. 309) ... 1488

NEWSPAPER ADVERTISING Page
Legal advertisements, increase in cost of (H. B. 348) 1655

NON-INTOXICATING MALT BEVERAGES
Tax on (H. B. 358) 1733

NON-RESIDENT VENDORS
Sales by, to state, cities, counties, etc., tax on (H. B. 432) 2161

NORTHERN KENTUCKY PUBLIC UTILITY DISTRICT
Provision for (H. B. 288) 1271

NOTARIES PUBLIC
Depositions, fees for taking (H. B. 192) 911

NURSES
Practical nursing, regulation of (H. B. 272) 1239
Professional nursing, regulation of (H. B. 273) 1244

OFFICERS OF THE HOUSE
Additional compensation for (H. R. 2) 39
Election, oaths 12, 13

OFFICES AND OFFICERS
Compensation, retention of sums in excess of prohibited (H. B. 29) 150

OIL
Tax on, for benefit of per capital fund (H. B. 204) 957

OLD AGE ASSISTANCE
Benefits, increase in (H. B. 112) 492
Payments, date of beginning of (H. B. 330) 1581

OPTOMETRY, PRACTICE OF
Board to regulate, created (H. B. 349) 1686

ORDINANCE, CITY
Publication of, in second class cities (H. B. 86) 417

OWINGSVILLE, CITY OF
Change of classification of (H. B. 172) 173

PAGES
Election, oath 12, 13

PALMORE, DR. C. E.
Bills and Resolutions introduced: H. R. 4 (73), H. B. 83 (403), H. B. 153 (842), H. B. 154 (843), H. B. 200 (930), H. B. 342 (1591), H. B. 465 (2889)
Committees served on: .....202 to 216

PARI-MUTUEL BETTING—see also REVENUE AND TAXATION
Escheat of unclaimed winning tickets (H. B. 140) 815
Miscellaneous amendments to laws concerning (H. B. 475) 3038

Page

PARKING METERS
Lease of advertising space on posts (H. B. 159) 845
Prohibited on certain streets in fifth and sixth class cities (H. B. 118) 771

PAUPER IDIOTS
Allowances to (H. R. 11) 405
Allowance to, increase in (H. B. 386) 1821

PAWNBROKERS
Repeal of certain provisions concerning (H. B. 381) 1798

PEACE OFFICERS
City marshals, compensation of deputies (H. B. 91) 429
County police forces in certain counties, compensation of (H. B. 94) 432
Powers of arrest (H. B. 224) 1000

PEDDLERS
Nonresident merchandise vendors, license for on (H. B. 74) 390

PENSIONS
County employes, for (H. B. 267) 1186
Police and firemen's funds in cities of 2nd and 3rd class, miscellaneous provisions (H. B. 318) 1524

PERSONS UNDER DISABILITY
Payment of money to, in certain circumstances (H. B. 383) 1799

PETTY CASH FUNDS
State agencies, of (H. B. 366) 1770

PHARMACIES—see DRUG STORES

PHARMACISTS
Drug stores to be owned by licensed pharmacists (H. B. 310) 1491
Increase in penalties for violations of laws concerning (H. B. 95) 461

PHYSICALLY HANDICAPPED PERSONS
Provides for extra credit on examination for public employment (H. B. 79) 399

PIKE COUNTY
Court of continuous session in (H. B. 320) 1529

PINBALL MACHINES
Giving of free games, not a gambling device (H. B. 404) 1881

PISTOLS—see DEADLY WEAPONS

PLACES OF ENTERTAINMENT
Hours of operation, fixing of (H. B. 313) 1494
Restaurants not to be regulated as (H. B. 385) 1820

PLANNING AND ZONING
Commission, in cities of first class and counties containing such cities (H. B. 268) 1194
First class cities and counties containing such cities, in (H. B. 259) 1168

PLUMBERS AND PLUMBING Page
Licensing and regulation of (H. B. 405) 1933

POLICE COURTS
Selection of jurors in cities of second class (H. B. 121) 783

POLICE OFFICERS
Fourth class cities, in, two policemen to be on duty at all times (H. B. 352) 1697
Fourth class cities, working hours in (H. B. 265) 1185
Jurisdiction in cities of fourth, fifth and sixth classes (H. B. 483) 3411
Pension funds in 2nd and 3rd class cities, miscellaneous provisions (H. B. 318) 1524
Work and vacation hours in cities of second class (H. B. 248) 1105
Working hours of, in third class cities (H. B. 17) 116
Working hours and vacation in certain cities (H. B. 54) 249

POLSGROVE, JAMES H.
Bills and Resolutions introduced: H. B. 7 (45), H. B. 84 (413), H. B. 119 (772), H. B. 143 (818), H. B. 153 (842), H. B. 154 (843), H. B. 200 (930), H. R. 24 (936), H. R. 25 (937), H. B. 323 (1533), H. B. 324 (1534), H. B. 341 (1590), H. B. 342 (1591), H. B. 349 (1686), H. B. 388 (1822), H. B. 411 (1950), H. B. 419 (1995), H. B. 427 (2093), H. B. 469 (2910)
Committees served on: ..... 202 to 216

POULTRY
Inspection and regulation of sale of (H. B. 51) 245

POWER OF ATTORNEY
Provisions concerning (H. B. 367) 1771

PRACTICAL NURSES
Regulation of (H. B. 272) 1239

PRACTICE OF LAW
Admission of persons to practice without examination (H. B. 69) 350
Bar Examination, process of reporting results (H. R. 8) 243

PRESTON, LEONARD W.
Bills and Resolutions introduced: H. R. A[1] (69), H. B. 29 (150), H. R. A[4] (243), H. B. 85 (416), H. R. 18 (862), H. B. 210 (961), H. B. 326 (1536), H. B. 486 (3414)
Committees served on: ..... 202 to 216, 4256

PRIOR YEAR CLAIMS AGAINST STATE
Payment of (H. B. 398) 1876
(H. B. 472) 3032

PRIVATE CLUBS
Malt beverages, sale in (H. B. 276) 1253

PROCESS, LEGAL
Service of, in actions for annulment (H. B. 362) 1739

Page

PROFESSIONAL NURSES
Regulation of (H. B. 273) 1244

PROHIBITION, STATE-WIDE
Alcoholic beverages, of (H. B. 435) 2167

PRINTING, STATE—see STATE PRINTING

PROPERTY CONVEYED TO STATE
Purchase price to be set out on face of deed or bill of sale (H. B. 480) 3205

PROSECUTING ATTORNEYS
Cities of first class, in (H. B. 427) 2093
Pro tem attorneys, in cities of first class (H. B. 427) 2093

PSYCHOLOGISTS, CLINICAL
Certification of (H. B. 341) 1590

PUBLIC ASSISTANCE
Division of, placed under Department of Economic Security (H. B. 424) 2081
Needy aged, blind and children, to, revision of law concerning (H. B. 424) 2081
Old age assistance, date payments to begin (H. B. 330) 1581

PUBLIC EMPLOYES
Special credit to be given physically handicapped persons on examinations for public employment (H. B. 79) 399

PUBLIC EMPLOYMENT
Residence requirements for civil service or merit system positions (H. B. 411) 1950

PUBLIC OFFICERS AND EMPLOYES
Compensation of (H. B. 448) 2689
Roster of, to be compiled and maintained by Secretary of State (H. B. 479) 3205

PUBLIC PRINTING—see STATE PRINTING

PUBLIC PROJECTS
City, acquired by, and admission to events therein, tax exemptions for (H. B. 393) 1870
Enumeration of those for which revenue bonds may be issued (H. B. 227) 1017
Holder of revenue bonds to have lien on property (H. B. 296) 1342

PUBLIC RECORDS
Marriage records, penalty for failure of clerk to keep (H. B. 53) 248
Real property records, compensation of indexer of, in certain counties (H. B. 96) 462

PUBLIC SERVICE COMMISSION Page
Application of rules and laws to rural electric cooperatives (H. B. 464) 2889
Assessment on utilities for benefit of (H. B. 153) 842
Rates of public utilities, procedure for increasing or decreasing (H. B. 48) 235

PUBLIC UTILITIES
Assessment of, for benefit of Public Service Commission (H. B. 153) 842
First class cities, in, to furnish customer information to tax commissioner (H. B. 254) 1109
Gross receipts, time of report of, for tax purposes (H. B. 141) 815
Northern Kentucky Public Utility District, provision for (H. B. 288) 1271
Rates, procedure for increasing or decreasing (H. B. 48) 235
(H. B. 194) 913
Telephone rates, uniformity required in (H. B. 155) 843
Waterworks in first class cities, officers and employes of (H. B. 186) 906

PUBLIC WAYS
Second class cities, in, alternate method of improvement (H. B. 299) 1348
Second class cities, in, method of constructing and maintaining (H. B. 298) 1347

PURCHASING, STATE—see STATE PURCHASING

PUREBRED CATTLE INDUSTRY
Development and promotion (H. B. 422) 1998

PURGATION—see REGISTRATION AND PURGATION

QUEEN OF AMERICA
Mrs. Sally Baker, introduction to House 446

RACING ASSOCIATIONS
Employes of, 85% to be citizens and residents of Kentucky (H. B. 328) 1580

RACING, GREYHOUND
Provisions for licensing and regulation of (H. B. 391) 1862
(H. B. 440) 2302

RAILROAD COMMISSION
Discontinuance of railroad passenger service (H. B. 98) 465

RAILROADS
Discontinuance of passenger service (H. B. 98) 465
Retirement benefits, exempted from inheritance taxation (H. B. 160) 846
Safety equipment for track cars used in transporting employes (H. B. 161) 847

Page

RAPE
Increase in penalty for certain offenses of (H. B. 125) 787

RAYBURN, HOBART
Bills and Resolutions introduced: H. B. 132 (798), H. B. 350 (1695), H. R. 52 (1884), H. B. 439 (2301), H. R. 79 (3661)
Committees served on: .....47, 202 to 216, 2109

REASOR, W. R.
Bills and Resolutions introduced: H. B. 35 (154), H. B. 39 (184), H. B. 40 (185), H. B. 41 (185), H. R. 6 (220), H. B. 50 (245), H. B. 141 (815), H. B. 200 (930), H. B. 239 (1097), H. B. 240 (1097), H. B. 241 (1099), H. B. 242 (1099), H. B. 243 (1100), H. B. 244 (1102), H. B. 245 (1103), H. B. 289 (1274), H. B. 423 (2001), H. B. 434 (2163), H. B. 467 (2891)
Committees served on: .....202 to 216, 2647

RECORDS, PUBLIC
Preservation of (H. B. 285) 1268

REDEVELOPMENT OR DEVELOPMENT OF SLUM AREAS
Provisions for (H. B. 444) 2658

REGISTRATION AND PURGATION
Boards, provisions concerning (H. B. 229) 1034
Purgation, provisions concerning (H. B. 231) 1036
Voters, of, provisions for (H. B. 218) 970
(H. B. 234) 1044

REPORTERS, STENOGRAPHIC—see STENOGRAPHIC REPORTERS

REPRESENTATIVE DISTRICTS
95th district, change in (H. B. 4) 42

REPRESENTATIVES
Expense accounts for (H. B. 18) 116

RESISTING ARREST
Made a statutory offense (H. B. 111) 492

RESTAURANTS
Not to be regulated as places of entertainment (H. B. 385) 1820

RETIREMENT SYSTEM
State employes, for (H. B. 414) 1961

RETURN BALL
Extending thanks to George T. Stagg Distillery for use of facilities for purposes of holding the Return Ball (H. R. 81) 4079

REVENUE AND TAXATION
Ad valorem taxes
Assessment of, tax commissioner to assume all of county clerk's duties relative thereto (H. B. 307) 1456
Assessment, collection, delinquency dates (H. B. 306) 1446

REVENUE AND TAXATION—Continued Page
Deferment of payment of, under certain circumstances (H. B. 353) ... 1697
Delinquency, dates of (H. B. 10) ... 64
Exemptions for disabled veterans or their widows (H. B. 312) 1494
Exemption of real estate from (H. B. 11) ... 64
Exemption of certain homesteads from (H. B. 13) ... 65
Omitted tax, Commissioner of Revenue made sole realtor in actions for collection of (H. B. 279) ... 1256
Reappraisal for in cities and counties (H. B. 481) ... 1878
Tax rolls, preparation of (H. B. 284) ... 1266
Alcoholic beverages
Distilled spirits tax (H. B. 226) ... 1014
(H. B. 189) ... 908
Non-alcoholic beverage tax (H. B. 180) ... 894
Tax on (H. B. 97) ... 463
Amusement and theater tax
Amount of (H. B. 286) ... 1268
Increase in (H. B. 176) ... 876
Payment, method of (H. B. 137) ... 813
Repeal of (H. B. 266) ... 1186
Reports, time of (H. B. 137) ... 813
Assessments, local officials authorized to recommend increases (H. B. 99) ... 474
Chain stores, gross receipts tax on (H. B. 462) ... 2881
Cigarette tax
Appropriation of all receipts from (H. B. 88) ... 426
Increase in (H. B. 113) ... 493
(H. B. 170) ... 872
(H. B. 187) ... 907
(H. B. 226) ... 1014
(H. B. 355) ... 1706
City licensure of motor vehicles for business purposes, repeal of provision requiring licensure in more than one city (H. B. 457) 2827
Clay, production tax on (H. B. 225) ... 1013
Coal, production tax on (H. B. 110) ... 491
(H. B. 163) ... 867
Coin-operated machines, tax on
Increase in (H. B. 173) ... 873
(H. B. 278) ... 1209
Repeal of (H. B. 100) ... 475
Contraceptive devices, excise tax on sale of (H. B. 451) ... 2725
Corporate shares, listing of, for taxes (H. B. 284) ... 1266
Deceased persons, property of, examination of by department (H. B. 315) ... 1495
First class cities, in, date of payment of tax bills and discounts authorized (H. B. 350) ... 1727
Fluorspar, production tax on (H. B. 132) ... 798
Foreign political subdivisions, reciprocal right to sue in Kentucky courts for delinquent taxes (H. B. 280) ... 1259

REVENUE AND TAXATION—Continued Page
Gasoline tax
Date of filing (H. B. 135) 809
Payment, method of (H. B. 135) 809
Refund, application for (H. B. 257) 1122
Refund expense account, repeal of (H. B. 136) 812
Refund on gasoline used on the highways (H. B. 127) 789
Refund permit, revocation and reissuance of (H. B. 256) 1121
Refund provisions, repeal of (H. B. 205) 958
Gross receipts tax, provisions for (H. B. 291) 1275
Homesteads, exemption of certain (H. B. 13) 65
Income tax
Corporate, provisions concerning (H. B. 281) 1259
Deductions for certain educational expenses (H. B. 290) 1274
Gross income, on, provisions concerning (H. B. 316) 1497
Provisions concerning (H. B. 407) 1943
Temporary increase in (H. B. 446) 2683
Inheritance and estate tax
Distribution of property subject to (H. B. 468) 2907
Exemption of surviving wife increased (H. B. 193) 912
Railroad retirement benefits exempted (H. B. 160) 846
Legal actions, tax on (H. B. 466) 2891
License taxes in cities of first class, restrictions on (H. B. 377) 1785
Malt beverages
Increase in tax (H. B. 355) 1706
(H. B. 32) 153
(H. B. 190) 910
(H. B. 226) 1014
Non-intoxicating beverages, tax on (H. B. 358) 1733
Mined minerals, production tax on all (H. B. 261) 1170
Motor vehicle usage tax, repeal of (H. B. 145) 820
Oil and natural gas tax, levy of, for benefit of per capita fund (H. B. 204) 957
Pari-mutuel tax
Increase in (H. B. 89) 427
(H. B. 103) 485
(H. B. 106) 488
(H. B. 226) 1014
(H. B. 251) 1107
Miscellaneous amendments to laws concerning (H. B. 475) 3038
Public projects acquired by cities, and admission to events held therein, to be tax exempt (H. B. 393) 1870
Public utility gross receipts, time of report of (H. B. 141) 815
Records, certain tax, preservation of (H. B. 285) 1268
Resolution directing Legislative Research Commission to investigate state tax program and potential tax sources (H. R. 55) 1978
Safe deposit box of deceased person, department may examine (H. B. 315) 1495
Sales to state, counties, cities, etc., by non-resident vendors, tax on (H. B. 432) 2161

REVENUE AND TAXATION—Continued Page
School building tax, provisions for special (H. B. 45) 230
School taxes
Collection of (H. B. 319) 1528
Fees for collection of (H. B. 283) 1265
Levy of, amount (H. B. 278) 1255
Sheet metal, tax on manufacture of (H. B. 400) 1877
Soft drink tax, provisions for (H. B. 235) 1047
Tax bills, taxpayer's address to appear on (H. B. 454) 2728
Tax bills, taxpayer's address to appear on, notice to mailed by sheriff (H. B. 473) 3035
Tax collectors, special, abolished (H. B. 370) 1774
Timber, severance tax on (H. B. 209) 960
Toilets, pay, license fee (H. B. 339) 1587
Vendors, nonresident merchandise, license fee on, for Common School Per Capita Fund (H. B. 74) 390
Veterans, disabled, property tax exemption for, or their widows (H. B. 312) 1494

REVENUE BONDS
Public projects, for, holder of bonds to have lien on property (H. B. 296) 1342
Public projects which may be financed by (H. B. 227) 1017

REVENUE, DEPARTMENT OF
Officers and employes bonded under blanket bond with other state officers and employes (H. B. 131) 797
Records, preservation of (H. B. 285) 1268
Safe deposit box of deceased person, may examine (H. B. 315).. 1495

REVOLVING FUNDS
Agriculture Department, consolidation of funds of (H. B. 35).... 154
Legislative Research Commission directed to investigate (H. R. 80) 3662

RIGHTS OF ACTION
Foreign political subdivisions, reciprocal right to sue in Kentucky courts for delinquent taxes (H. B. 280) 1259

ROAD FUND
Allocation of rural road fund (H. B. 93) 431

ROADHOUSES—see PLACES OF ENTERTAINMENT

ROADS
(See Highways)

ROLL CALL SYSTEM
Electric, for House of Representatives (H. B. 335) 1585

Page

RUH, CARL J.
Bills and Resolutions introduced: H. B. 38 (156), H. B. 60 (265), H. B. 78 (399), H. B. 87 (418), H. B. 96 (462), H. R. 17 (777) H. B. 153 (842), H. B. 154 (843), H. B. 175 (875), H. R. 22 (889), H. B. 200 (930), H. B. 267 (1186), H. B. 288 (1271), H. B. 335 (1585), H. B. 342 (1591), H. R. 44 (1744), R. R. 55 (1978), H. B. 454 (2728), H. B. 473 (3035)
Committees served on: ..... 202 to 216

RULES
Adoption of 13
Amendment to, proposal of (H. R. B2) 194

RULES COMMITTEE
Resolution concerning method of operation of (H. R. 63) 2159

RUNYAN, AMOS
Bills and Resolutions introduced: H. B. 4 (42), H. B. 6 (44), H. B. 32 (153), H. B. 74 (390), H. B. 83 (403), H. R. 13 (470), H. R. 14 (471), H. R. 15 (472), H. R. 16 (473), H. B. 174 (874), H. R. 28 (1112), H. B. 302 (1352), H. B. 305 (1361), H. B. 320 (1529), H. B. 321 (1530), H. B. 421 (1997)
Committees served on: ..... 202 to 216, 2109

RURAL ELECTRIC COOPERATIVES
Public Service Commission rules and laws applied to (H. B. 464) 2889

SAFE DEPOSIT BOXES
Deceased persons, belong to, Department of Revenue may examine (H. B. 315) 1495

SAFETY EQUIPMENT
Required on track cars used for transporting railroad employes (H. B. 161) 847

SALES
Coal, sale slip required with sale of (H. B. 190) 911

SALYERSVILLE, CITY OF
Change in classification of (H. B. 433) 2162

SANDERS, DR. ROY
Bills and Resolutions introduced: H. B. 4 (42), H. B. 32 (153), H. B. 74 (390), H. B. 83 (403), H. R. 13 (470), H. R. 14 (471), H. R. 15 (472), H. R. 16 (473), H. B. 105 (488), H. B. 173 (873), H. B. 174 (874), H. B. 231 (1036), H. B. 232 (1042), H. R. 29 (1112), H. B. 305 (1361), H. B. 320 (1529), H. B. 321 (1530)
Committees served on: ..... 11, 202 to 216

SANITATION
Water Pollution Control Commission, provisions for (H. B. 271) 1229

SAYLOR, LeROY
Bills and Resolutions introduced: H. B. 174 (874), H. R. 21 (882), H. B. 200 (930), H. B. 290 (1274), H. B. 305 (1361), H. R. 41 (1520)
Committees served on: ..... 202 to 216, 4258

SCHOOLS Page
Attendance laws, miscellaneous amendments concerning (H. B. 470) ... 2910
Boards of Education
County boards
Compensation of members (H. B. 351) ... 1696
Election of, residence requirements for (H. B. 184) ... 904
Filling of vacancies on (H. B. 269) ... 1195
Busses, stopped, traffic regulations when overtaking or meeting (H. B. 374) ... 1777
Citienship, course in, required (H. B. 128) ... 789
Common School Fund
Equalization fund
Distribution of (H. B. 442) ... 2664
(H. B. 460) ... 2841
Provisions concerning (H. B. 447) ... 2685
Receipts from to be considered local revenue for purposes of setting teachers' salaries (H. B. 476) ... 3039
Supplemental appropriation to (H. B. 447) ... 2685
(H. B. 63) ... 345
Per capita fund
Amusement admission tax, increase in, for benefit of (H. B. 176) ... 876
Appropriation of all cigarette taxes to (H. B. 88) ... 426
Cigarette tax, increase in for benefit of (H. B. 113) ... 493
(H. B. 187) ... 907
Coin-operated machines, increase in tax on, for benefit of (H. B. 173) ... 873
Contraceptive devices, excise tax on, for benefit of (H. B. 451) ... 2725
Distilled spirits tax, increase in, for benefit of (H. B. 189) 908
Fluorspar, production tax on, for benefit of (H. B. 132) ... 798
Gross income tax for benefit of (H. B. 316) ... 1497
Gross receipts tax on chain stores for benefit of (H. B. 462) 2881
Malt beverage tax, increase in, for benefit of (H. B. 190) ... 910
Mined minerals, production tax on, for benefit of (H. B. 261) 1170
Non-alcoholic beverage tax for benefit of (H. B. 180) ... 894
Non-intoxicating malt beverages, tax on, for benefit of (H. B. 358) ... 1733
Non-residence merchandise peddlers, licensing of, for benefit of (H. B. 74) ... 390
Oil and natural gas tax, levy of, for benefit of (H. B. 204) ... 957
Pari-mutuel tax, increase in, for benefit of (H. B. 251) ... 1107
(H. B. 89) ... 427
Pari-mutuel, cigarette, distilled spirits and malt beverage taxes, increase in for benefit of (H. B. 226) ... 1014
Production tax on clay for benefit of (H. B. 225) ... 1013
Production tax on coal for benefit of (H. B. 110) ... 481
(H. B. 163) ... 867
Soft drink tax for benefit of (H. B. 235) ... 1047

SCHOOLS—Continued Page
Sheet metal, tax on manufacture of, for benefit of (H. B. 400) ... 1877
Supplemental appropriation for (H. B. 83) ... 403
(H. B. 447) ... 2685
(H. B. 63) ... 345
Timber, severance tax for benefit of (H. B. 209) ... 960
Compulsory attendance law made stricter (H. B. 378) ... 1787
County superintendent to be elected (H. B. 52) ... 246
Course in "character building" required (H. B. 361) ... 1739
Districts, independent, creation of (H. B. 133) ... 807
Employes, training and certification of (H. B. 389) ... 1860
Entrance age for children (H. B. 421) ... 1997
First aid, teaching of required (H. B. 8) ... 45
Free textbooks to sectarian and denominational schools, constitutional amendment to allow (H. B. 474) ... 3037
Independent school districts, creation of (H. B. 133) ... 807
Insurance for children, group, provided by school boards (H. B. 181) ... 901
Municipal universities, limitation on issuance of bonds for (H. B. 431) ... 2160
Noninstructional employes, certain, eligible for Teachers' Retirement System (H. B. 60) ... 265
Resolution by Leonard Preston to appropriate additional funds for ... 2155
State Textbook Commission, investigation into affairs and activities of (H. B. 486) ... 3414
Supplemental appropriations for (H. B. 174) ... 874
Taxes for, collection of (H. B. 319) ... 1528
Taxes for, fees for collection of (H. B. 283) ... 1265
Taxes for, levy of, amount (H. B. 278) ... 1255
Tax, special, for building purposes (H. B. 45) ... 230
Textbooks, selection and adoption of (H. B. 354) ... 1698
Textbook selection, Legislative Research Commission to make study and report of (H. R. 19) ... 864
Transportation system, appropriation for (H. B. 83) ... 403

SEARCY, ROY
Bills and Resolutions introduced: H. B. 39 (184), H. B. 174 (874), H. B. 200 (930), H. B. 230 (1036), H. B. 322 (1530), H. B. 378 (1787), H. R. 65 (2206)
Committees served on: ... 202 to 216

SECRETARY OF STATE
To compile and maintain complete roster of public officers and employes (H. B. 479) ... 3205

SEEDS, AGRICULTURAL
Certification of (H. B. 15) ... 112
Label requirements (H. B. 16) ... 113
Tobacco seeds, regulations as to (H. B. 16) ... 113

SENATE BILLS Page

S. B. 1....1003, 1214, 1293, 2050, 2313, **2316,** 2973
S. B. 3....932, 1127, 1531, 1620
S. B. 4....982, 1127, 1614, 1748
S. B. 7....410, 859, 1114, 1195, 1296, **1298,** 1914, 2104, **2105,** 2169
S. B. 14....411, 859, 885, 938, 990, **991**
S. B. 16....2209, 2763, 2922, 3074, **3075,** 3232
S. B. 20....1005, 1214
S. B. 21....826, 829, 830, 849, 883, 938, **940,** 994
S. B. 23....3763
S. B. 24....1005, 1214, 1747
S. B. 27....1010, 1214, 1619, 1750, 4234, **4238**
S. B. 28....1567, 1762, 3043, 3210
S. B. 29....1220, 1562, 1888, 2009, 4036, 4039, 4246
S. B. 30....825, 859, 116, 1196, 1547, **1549,** 1629
S. B. 31....2111, 2239, 2736, 3826, **3829,** 4095
S. B. 35....3217
S. B. 38....933, 1127, 2104, 2176
S. B. 39....983, 1127, 2104, 2176
S. B. 40....3955
S. B. 41....1006, 1214
S. B. 46....1480, 1561, 1614, 1750, 2609, **2618,** 3489, **3490,** 3832
S. B. 47....1567, 1762
S. B. 49....1006, 1214, 1532, 1621, 1926, 1928, 2059
S. B. 50....931, 1127, 2241, 2738
S. B. 51....1899, 2040, 2057, 2102, 2174, 3820, **3822,** 4244
S. B. 53....1313, 1561, 2766, 2769, 2925, 3934, **3936,** 4244
S. B. 56....2201
S. B. 59....1568, 1762, 2918, 3045
S. B. 62....1311, 1562, 1657, 1751, 3829, **3831,** 4095
S. B. 63....2938, 3808, 3815, 3818
S. B. 64....1569, 1762, 2921, 3048
S. B. 69....3100, 3419, 3483, 3882, **3906,** 3940, 4133
S. B. 72....1007, 1214, 1292, 1444, 1846, **1847,** 1990
S. B. 73....1900, 2766, 2925
S. B. 75....1008, 1214, 1619, 1750, 1832, **1833,** 1990
S. B. 78....1907, 2057, 2170, 2242, 3907, **3908,** 4133
S. B. 79....1312, 1562, 1613, 1748, 3760, **3762,** 4246
S. B. 85....2011, 3441, 3810
S. B. 89....1569, 1762, 2101, 2174, 3912, **3915,** 4133
S. B. 90....2057, 2918, 3045
S. B. 91....1310, 1562
S. B. 98....1908, 2057, 2172, 2243, 3918, **3920,** 4133
S. B. 99....1572, 1762, 2240, 2737, 3931, **3933,** 4132
S. B. 100....2973, 3418, 3482, 3928, **3929,** 4132
S. B. 101....1981, 2057, 3042, 3209
S. B. 104....1573, 1762, 1888, 2009, 2785, **3787,** 4244
S. B. 108....1721, 1850, 1898, 2010
S. B. 109....2283, 3441, 3810, 4096, **4114,** 4246
S. B. 111....1575, 1762, 1829, 1917, 3921, **3923,** 4132
S. B. 112....1674, 1762, 2055, 2173, 4222, **4224**

SENATE BILLS—Continued Page

S. B. 116....3668, 3808, 3815, 3818
S. B. 118....1722, 1850, 2103, 2175, 4091, **4094,** 4243
S. B. 119....1981, 2057, 2765, 2924
S. B. 120....1982, 2057, 2768, 2927, 3923, **3925,** 4132
S. B. 121....3764, 3807, 3815, 3818
S. B. 123....2622, 2918, 3045, 3956, **3960,** 4133
S. B. 124....2113, 2241, 2738, 3944, **3945,** 4133
S. B. 125....1725, 1850, 2769, 2928, 4220, **4221**
S. B. 126....2012, 2239, 2736, 3853, **3875,** 4134
S. B. 127....1725, 1850, 2010, 3926, **3927,** 4132
S. B. 128....1983, 2057, 2918, 3045
S. B. 129....2939, 3441, 3810, 4225, **4226**
S. B. 132....2113, 3043, 3210
S. B. 133....1676, 1762, 1916, 3745, **3747,** 4246
S. B. 134....1675, 1762, 1916, 2785, **2787,** 2973
S. B. 139....2114, 3418, 3482, 3916, **3917,** 4132
S. B. 142....2033, 2918, 3045
S. B. 143....2114, 2768, 2927, 3942, **3943,** 4133
S. B. 146.... 1726, 1850
S. B. 147....2115, 2764, 2923, 3740, **3742,** 4245
S. B. 151....2117, 2764, 2923, 3723, **3727,** 4243
S. B. 152....2065, 2918, 3045, 3748, **3752,** 4245
S. B. 154....2120, 2239, 2736, 3720, **3722,** 4096
S. B. 155....2939, 3809, 3816, 3819
S. B. 158....2068, 2764, 2923, 3738, **3739,** 4245
S. B. 159....2940, 3442, 3811
S. B. 161....2212, 3044, 3210
S. B. 166....3325, 3806, 3815, 3816, 4075, **4078,** 4243
S. B. 168....2619, 2764, 2923, 3566, **3569,** 4142, 4255, 4257
S. B. 169 ....2069, 2765, 2924, 3733, **3734,** 4245
S. B. 170....2121, 2765, 2924, 3018, **3021,** 3231
S. B. 171....2123, 2239, 2736, 3735, **3737,** 4245
S. B. 173....2078, 2171, 2242, 3809, **2813,** 2973
S. B. 174....2125, 2918, 2924, 3045, 3948, **3951,** 4133
S. B. 175....2946, 3418, 3482, 3850, **3853,** 4096
S. B. 176....2213, 2918, 3045, 3797, **3805,** 4095
S. B. 177....2621, 2921, 3048, 4042, **4044,** 4246
S. B. 178....2221, 2919, 3045, 3788, **3793,** 4244
S. B. 179....2127, 3441, 3810, 4006, **4020,** 4127, 4139, **4140,** 4231, 4252, 4253
S. B. 180....2070, 2239, 2737, 3710, **3711,** 3832
S. B. 181....2625, 2919, 3046, 3701, **3709,** 3832
S. B. 182....2632, 2919, 3046, 3712, **3714,** 3832
S. B. 183....2147, 2919, 3046, 3908, 3912, 4134
S. B. 184....2070, 2240, 2737, 3835, **3840,** 4243
S. B. 185....2141, 2765, 2924, 3743, **3744,** 4245
S. B. 187....2141, 2919, 3046
S. B. 189....2143, 3419, 3483, 3753, **3758,** 4245
S. B. 191....2147, 2240, 2737, 3699, **3700,** 3832
S. B. 192....3218, 3442, 3811, 4119, **4121,** 4243
S. B. 194 .... 2147, 2765

SENATE BILLS—Continued Page
S. B. 195....2620, 2919, 3046, 3602, **3603,** 3832
S. B. 196....3466, 3604, 3812
S. B. 201....2150, 2920, 3047
S. B. 202.... 3218
S. B. 203....3134, 3418, 3482, 3728, **3732,** 4244
S. B. 208....3222, 3809, 3815, 3819
S. B. 212....3669, 3809, 3816, 3819
S. B. 213....2940, 3420, 3484, 4144, **4146**
S. B. 217....2731, 3808, 3815, 3818
S. B. 218....2941, 3419, 3483
S. B. 219.... 2944
S. B. 225....3091, 3442, 3811
S. B. 226.... 2944
S. B. 228....2974, 3442, 3811
S. B. 229....2945, 3419, 3483
S. B. 236....2948, 3420, 3484, 3833, **3834,** 4095
S. B. 237....3123, 3809, 3815, 3819
S. B. 238....3127, 3809, 3815, 3819
S. B. 239....3128, 3809, 3815, 3819
S. B. 242....3669, 3809, 3815, 3819, 4045, **4047,** 4245
S. B. 243....2945, 3419, 3483, 4218, **4219**
S. B. 245....3092, 3419, 3484
S. B. 246.... 3128
S. B. 247.... 3223
S. B. 248....2975, 3418, 3482, 4053, **4063,** 4246
S. B. 249....3138, 3441, 3810, 3048, **4050,** 4246
S. B. 250....3139, 3441, 3810, 4040, **4041,** 4244
S. B. 252....3095, 3418, 3482, 3718, **3720,** 4095
S. B. 253....3223, 3809, 3815, 3819, 4232, **4233**
S. B. 255....3096, 3418, 3483, 3937, **3939,** 4133
S. B. 256....3332, 3806, 3815, 3816, 3961, **4004,** 4244
S. B. 258.... 3134
S. B. 259....3671, 3808, 3815, 3819
S. B. 261....3097, 3809, 3815, 3819
S. B. 263....3671, 3808, 3815, 3818
S. B. 264....3772, 3808, 3815, 3818
S. B. 266....3328, 3442, 3811
S. B. 267....3223, 3442, 3810, 3847, **3849,** 4095
S. B. 270....3225, 3440, 3810, 3841, **3844,** 4096
S. B. 272.... 3374
S. B. 274....3672, 3809, 3815, 3819, 4239, **4240,** 4257
S. B. 277....3469, 3604, 3812, 3876, **3878,** 4096
S. B. 279....3672, 3808, 3815, 3818, 4084, **4090,** 4246
S. B. 280....3471, 3605, 3812, 4064, **4065,** 4244
S. B. 281....3471, 3605, 3812, 4023, **4025,** 4244
S. B. 282....3473, 3605, 3812, 4080, **4083,** 4243
S. B. 283....3476, 3605, 3812, 4066, **4067,** 4243
S. B. 284....3678, 3809, 3815, 3819, 3951, **3954,** 4133
S. B. 286....3476, 3605, 3812, 4068, **4074,** 4234

SENATE JOURNALS — Page
Number to be printed (H. B. 244) ... 1102

SENATE RESOLUTIONS
S. R. 8 ... 62
S. R. 9 ... 62, 146, 218
S. R. 11 ... 459, 762
S. R. 12 ... 1710, 1850, 3806, 3816, 4153, **4155,** 4248
S. R. 13 ... 1316, 1562, 1887, 2008, 4156, **4159,** 4248
S. R. 15 ... 1711, 1850, 3806, 3816, 3817, 4159, **4161,** 4248
S. R. 17 ... 1315, 1562, 1887, 2008, 4211, **4212,** 4249
S. R. 19 ... 935
S. R. 20 ... 1713, 1850, 3442, 3811, 4162, **4164,** 4249
S. R. 21 ... 1714, 1850, 3442, 3811, 4168, **4170,** 4247
S. R. 22 ... 1909, 2507, 3807, 3816, 3817, 4165, **4167,** 4247
S. R. 23 ... 1716, 1850, 3807, 3816, 3817, 4171, **4172,** 4247
S. R. 24 ... 1717, 1850, 3807, 3816, 3817, 4178, **4180,** 4247
S. R. 25 ... 1318, 1487
S. R. 26 ... 1781, 1850, 3807, 3816, 3817, 4173, **4178,** 4247
S. R. 29 ... 1483
S. R. 31 ... 1910, 2057, 3043, 3210, 4181, **4184,** 4249
S. R. 32 ... 1912, 2057, 3807, 3816, 3817, 4249
S. R. 34 ... 3444, 3605, 3812, 4187, **4189,** 4249
S. R. 39 ... 3444, 3605, 3812, 4190, **4194,** 4249
S. R. 40 ... 2633, 2763, 2922, 3077, **3078,** 3231
S. R. 42 ... 3447, 3605, 3812, 4184, **4187,** 4249
S. R. 46 ... 3449, 3605, 3813, 4194, **4197,** 4247
S. R. 47 ... 3098, 3807, 3816, 3817, 4200, **4203,** 4248
S. R. 48 ... 3451, 3605, 3813, 4206, **4207,** 4248
S. R. 49 ... 3451, 3605, 3813, 4206, **4207,** 4248
S. R. 52 ... 2226, 2816
S. R. 53 ... 3455, 3604, 3811, 4025, **4033,** 4249
S. R. 54 ... 3227, 3809, 3816, 3819, 4208, **4210,** 4248
S. R. 55 ... 3794
S. R. 58 ... 2949
S. R. 60 ... 3462, 3606, 3813, 4213, **4217,** 4248
S. R. 62 ... 3465, 3604, 3811, 4034, **4036,** 4250
S. R. 64 ... 3681, 3809, 3816, 3820, 4204, **4205,** 4247
S. R. 65 ... 3141
S. R. 66 ... 3142, 3189
S. R. 67 ... 3147
S. R. 68 ... 3682, 4152
S. R. 69 ... 3715

SENATORS
Expense accounts for (H. B. 18) ... 116

SERGEANTS-AT-ARMS
Election, oath ... 12, 13

SERIAL NUMBERS
Farm machinery, on, civil and criminal penalties provided for removal or alteration of (H. B. 129) ... 790

SHANNON, PAUL E. Page
Bills and Resolutions introduced: H. B. 58 (254), H. B. 60 (265), H. B. 87 (418), H. B. 153 (842), H. B. 154 (843), H. B. 175 (875), H. R. 22 (889), H. B. 200 (930), H. B. 287 (1269), H. B. 288 (1271), H. B. 303 (1353), H. B. 342 (1591), H. B. 396 (1873)
Committees served on: ..... 202 to 216, 2109

SHAW, JAMES S.
Bills and Resolutions introduced: H. B. 144 (819), H. B. 200 (930), H. B. 247 (1105), H. B. 332 (1581)
Committees served on: ..... 202 to 216

SHEEHAN, GUS, JR.
Bills and Resolutions introduced: H. B. 47 (234), H. B. 87 (418), H. B. 96, (462), H. B. 153 (842), H. B. 154 (843), H. B. 175 (875), H. R. 22 (889), H. B. 200 (930), H. B. 248 (1105), H. B. 287 (1269), H. B. 288 (1271), H. B. 361 (1739), H. B. 396 (1873), H. B. 454 (2728), H. B. 473 (3035), H. B. 479 (3205)
Committees served on: ..... 202 to 216, 2647

SHEET METAL
Tax on manufacture of (H. B. 400) 1877

SHELTON, JESSE H.
Bills and Resolutions introduced: H. B. 200 (930)
Committees served on: ..... 202 to 216, 2109

SHEPHERDSVILLE, CITY OF
Change of classification of (H. B. 336) 1586

SHERIFFS
Deputies in certain counties, payment of certain expenses of (H. B. 169) 871
Fees for arresting still-operators (H. B. 331) 1581
Fees for summoning circuit court jurors (H. B. 399) 1877
Out-going, qualification as special tax collector, abolished (H. B. 370) 1774

SLEEPING PILLS
Sales of, regulation of (H. B. 262) 1175

SLUM CLEARANCE
Development or redevelopment of slum areas, provisions for (H. B. 444) 2658

SMITH, FOREST
Bills and Resolutions introduced: H. R. 8 (243), H. B. 55 (249), H. B. 56 (251), H. B. 68 (349), H. B. 69 (350), H. B. 72 (389), H. B. 73 (390), H. B. 174 (874), H. B. 200 (930), H. B. 264 (1185), H. B. 340 (1590), H. B. 408 (1945), H. B. 451 (2725), H. B. 468 (2907), H. B. 474 (3037)
Committees served on: ..... 202 to 216, 2109

Page

SNAPP, JOSEPH T.
Bills and Resolutions introduced: H. B. 54 (249), H. B. 173 (873), H: B. 174 (874), H. B. 200 (930), H. B. 218 (970), H. B. 219 (978), H. R. 48 (1823), H. B. 467 (2891)
Committees served on: ..... 202 to 216, 4256

SOFT DRINKS
Tax on, provisions for (H. B. 235) 1047
(H. B. 180) 894

SOIL CONSERVATION
Program placed under Commissioner of Conservation (H. B. 412) 1950

SOWDERS, LUTHER E.
Resolution electing that Department of Conservation was operating under Workmen's Compensation at time of death of (H. R. 41) 1520

SPAULDING, JOHN M.
Bills and Resolutions introduced: H. B. 13 (65), H. R. 5 (148), H. B. 177 (877), H. B. 200 (930), H. B. 297 (1343), H. B. 298 (1347), H. B. 299 (1348), H. B. 342 (1591), H. B. 392 (1868), H. B. 393 (1870), H. B. 396 (1873)
Committees served on: ..... 202 to 216

SPEAKER
Election, oath 10, 11, 12

SPEED LIMITS FOR MOTOR VEHICLES
Provisions for (H. B. 375) 1778

STACY, CLAUDE
Bills and Resolutions introduced 0
Committees served on: ..... 202 to 216

STATE AGENCIES
Legislative Research Commission directed to investigate revolving, trust and agency fund accounts of (H. R. 80) 3662
Motor vehicles for use of, who may purchase (H. B. 294) 1340
Petty cash funds of (H. B. 366) 1770
Prior year claims against, payment of (H. B. 398) 1876

STATE BAR ASSOCIATION
Membership dues increased (H. B. 282) 1264

STATE BOARD OF AGRICULTURE
(See Agriculture, State Board of)

STATE DEPARTMENTS
All, to observe same holidays (H. B. 429) 2095
Motor vehicles for use of, who may purchase (H. B. 294)..... 1340

STATE EMPLOYES
All employes to observe same holidays (H. B. 429) 2095

STATE EMPLOYMENT Page
Merit system for (H. B. 413) 1954
Preference to veterans or veterans' widows (H. B. 249) 1106
Residence requirements for civil service or merit system positions (H. B. 411) 1950
Retirement for state employes (H. B. 414) 1961

STATE FAIR
Judges of, to be residents of Kentucky (H. B. 62) 344

STATE FAIR BOARD
Separate secretary authorized (H. B. 57) 254

STATE FUNDS
Premiums for county and community fairs, for (H. B. 392) 1868

STATE GOVERNMENT
Committee created to study requirements, needs, responsibilities and resources of (H. B. 449) 2704

STATE INSTITUTIONS
Children in, school districts to be reimbursed for furnishing school services to (H. B. 345) 1653

STATE OFFICERS AND EMPLOYES
Blanket bond for (H. B. 131) 797
Constitutional officers, payment of monthly expense allowance to (H. B. 484) 3413
Expenses of (H. B. 241) 1099

STATE POLICE
Jurisdiction of (H. B. 372) 1776
Penalty for impersonation of officer, agent or employe of (H. B. 373) 1777

STATE POLICE, DEPARTMENT OF
Investigation of (H. R. 6) 220
Repeal of provisions for (H. B. 166) 869

STATE PRINTING
Contracts for, advertisement for (H. B. 289) 1274
Rates for (H. B. 245) 1103

STATE PROPERTY AND BUILDINGS COMMISSION
Appropriation to, reappropriation of part of, for school purposes (H. B. 83) 403
Resolution requesting information concerning administration of (H. R. A[4]) 243

STATE PURCHASING
Contracts for materials, supplies and equipment, manner of advertising and letting (H. B. 243) 1100

STATE ROAD FUND
Appropriations to and from (H. B. 148) 823

STATE WARRANTS Page
Signing of, by mechanical device authorized (H. B. 381) 1798

STATUTE REVISION COMMISSION
Directed to abstract bills as introduced (H. R. A.) 69

STEERS, ROY L.
Bills and Resolutions introduced: H. B. 152 (839), H. B. 200 (930), H. B. 319 (1528)
Committees served on: .....202 to 216, 4256

STENOGRAPHIC REPORTERS
Circuit courts, in, compensation of (H. B. 477) 3203
Circuit courts, in, number and compensation of (H. B. 327) 1578
Compensation in certain circuit courts (H. B. 415) 1976
Compensation of, in counties having a population of 150,000 or more (H. B. 332) 1581
Grand juries, of, appointment and compensation of (H. B. 120).... 773
Grand juries, for, compensation of (H. B. 334) 1583

STIGALL, RAYMOND D.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 229 (1034), H. B. 363 (1740)
Committees served on: .....202 to 216

STOVALL, MRS. THELMA L.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 237 (1095), H. B. 238 (1096), H. B. 277 (1254), H. B. 278 (1255), H. B. 300 (1349), H. B. 301 (1351), H. B. 342 (1591), H. B. 343 (1597), H. B. 364 (1740), H. B. 436 (2202).
Committees served on: .....37, 69, 202 to 216

ST. PATRICK'S DAY
Legal holiday, designated as (H. B. 303) 1353

STREET RAILWAYS
Transfer charge on (H. B. 418) 1995

STREETS
Parking meters prohibited on certain streets in fifth and sixth class cities (H. B. 118) 771

STRIKES
Use of force or violence prohibited in (H. B. 325) 1534

STRINGER, W. R.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 213 (964)
Committees served on: .....202 to 216

STRIP MINING
Regulation of (H. B. 293) 1332

SUITS AGAINST THE COMMONWEALTH Page
Adkins, Alvin (H. R. 37) ... 1505
Ball, Ennis, Jim and Olney (H. R. 57) ... 1979
Bartley, Marlene (H. R. 13) ... 470
Blackwell, Annie (H. R. 15) ... 472
Blackwell, Richard (H. R. 14) ... 471
Blake, Bonnie (H. R. 21) ... 882
Carter, Lena and J. E. (H. R. 46) ... 1746
Collins, J. L., and others (H. R. 34) ... 1287
Conley, Dr. B. R. (H. R. 56) ... 1979
Crowe, E. G. (H. R. 31) ... 1131
Crowe, Elizabeth (H. R. 30) ... 1130
Frazier, Beatrice (H. R. 71) ... 2842
Hale, Johnie (H. R. 10) ... 404
Hatton, John (H. R. 59) ... 2097
Helton, John (H. R. 28) ... 1112
Keeton, Buford (H. R. 16) ... 473
Logan, Chester (H. R. 64) ... 2168
Lykins, G. W. and Ollie D. (H. R. 72) ... 2915
McDaniel, V. H. (H. R. 36) ... 1503
Miller, James (H. R. 38) ... 1506
Mitchell, W. A. "Bud" (H. R. 42) ... 1523
Mudd, William (H. R. 61) ... 2099
Payne, Walter (H. R. 36) ... 1437
Saylor, Richmond (H. R. 53) ... 1885
Sisk, W. C. (H. R. 51) ... 1883
Spencer, T. C. (H. R. 74) ... 3040
Stewart, Hay, administratrix of (H. R. 5) ... 148
Stone, Cassius (H. R. 7) ... 224
Thompson, Philip (H. R. 26) ... 1110
Thorpe, John (H. R. 60) ... 2098
Whitaker, Cora A. and Clayton (H. R. 43) ... 1612

SUITS AGAINST THE GRAYSON COUNTY BOARD OF EDUCATION
Thompson, Esther (H. R. 27) ... 1110
Thompson, Pirtle (H. R. 29) ... 1113

SUPPORT OF DEPENDENTS
Jurisdiction of court concerning parent or husband guilty of desertion or failure to support (H. B. 182) ... 902
Uniform Act, provisions of (H. B. 263) ... 1177

SURVEYING OF LAND
Fees for, and for persons doing work (H. B. 196) ... 915

TAYLOR, EGBERT
Bills and Resolutions introduced: H. B. 15 (112), H. B. 16 (113) H. R. 7 (224), H. B. 200 (930), H. B. 467 (2891), H. R. 76 (3207)
Committees served on: ... 202 to 216

TAXICABS—see MOTOR CARRIERS

TAX, POLL
Exemption of war veterans (H. B. 28) ... 129

TEACHERS	Page
Certificates, certain, repeal of provisions concerning (H. B. 389)	1860
Certification of (H. B. 250)	1107
(H. B. 389)	1860
Contracts, termination of, procedure for (H. B. 300)	1349
Educational organizations, prohibited from soliciting members for (H. B. 388)	1822
Level of salaries of, effect on eligibility for participation in equalization fund (H. B. 476)	3039
Life-time certificate, qualifications for (H. B. 164)	868
Organizations for, prohibitions against solicitation of members for (H. B. 469)	2910
Program of in-service training for (H. B. 455)	2762
Resolution expressing sympathy with wishes and needs of (H. R. 76)	3207
Salaries of	
Handicapped children, teachers of (H. B. 277)	1254
Increase in (H. B. 32)	153
Notice of (H. B. 301)	1351
Transfer of, restrictions on (H. B. 301)	1351
TEACHERS' RETIREMENT SYSTEM	
Allowances, increase in (H. B. 302)	1352
(H. B. 102)	485
Benefits, maximum and minimum increased (H. B. 66)	347
Cigarette tax, increase in, for benefit of (H. B. 187)	907
Distilled spirits tax, increase in, for benefit of (H. B. 189)	908
Malt beverage tax, increase in, for benefit of (H. B. 190)	910
Minimum allowance, increase of (H. B. 178)	877
Miscellaneous amendments concerning (H. B. 308)	1475
Miscellaneous provisions concerning (H. B. 357)	1728
Noninstructional school employes, certain, eligible for (H. B. 60)	265
Pari-mutuel tax, increase in, for benefit of (H. B. 251)	1107
Pari-mutuel, cigarette, distilled, spirits and malt beverages tax increases in, for benefit of (H. B. 226)	1014
Prior service rights, reestablishment of (H. B. 230)	1036
Retirement pay, required qualifications to be eligible for (H. B. 64)	346
Service required to be eligible for retirement (H. B. 66)	347
Soft drink tax for benefit of (H. B. 235)	1047
TEACHERS' TENURE	
Contracts, termination of, procedure for (H. B. 300)	1349
TELEPHONE COMPANIES	
Rates, uniformity required in (H. B. 155)	843
TELEVISION RECEIVERS	
Prohibited in certain parts of motor vehicles (H. B. 207)	959

TEXTBOOKS, SCHOOL Page
Selection and adoption of (H. B. 354) 1698
Constitutional amendment to all the furnishing of free textbooks to sectarian and denominational schools (H. B. 474) 3037
State Textbook Commission, investigation into affairs and activities of (H. B. 486) 3414

THEATERS
Defined for tax purposes (H. B. 286) 1268

THEATER TAX
Repeal of (H. B. 266) 1186

THOMPSON, M. G.
Bills and Resolutions introduced: H. B. 127 (789), H. B. 176 (876), H. B. 229 (1034), H. B. 329 (1580), H. B. 330 (1581), H. B. 331 (1581), H. B. 462 (2881), H. R. 76 A (3230)
Committees served on: .....202 to 216

TIMBER
Severance tax on (H. R. 209) 960

TIMBERLAND
Assessment, provisions concerning (H. B. 371) 1775

TINSLEY, REV. T. HERBERT
Bills and Resolutions introduced: H. B. 134 (808), H. B. 200 (931), H. B. 202 (956), H. B. 203 (956), H. B. 208 (960), H. B. 227 (1017), H. B. 266 (1186), H. R. 40 (1519), H. B. 342 (1591), H. B. 369 (1773), H. B. 370 (1774), H. B. 371 (1775)
Committees served on: .....202 to 216, 2109, 4258

TITLE TO REAL PROPERTY
Period of limitation for obtaining title by adverse possession (H. B. 114) 494

TOBACCO
Restrictions on the production of certain types and varieties (H. B. 304) 1355
Seeds, regulations concerning (H. B. 16) 113

TOILETS, PAY
License fee on (H. B. 339) 1587

TOLL BRIDGES
Transfer of sinking funds concerning (H. B. 157) 844

TRADE PRACTICES
Cigarettes, unfair practices concerning sale of (H. B. 130) 790
Malt beverages, minimum mark-up on sale of (H. B. 47) 234
Sale below cost, effect of (H. B. 117) 761

TRAFFIC COURTS
Constitutional amendments to allow (H. B. 482) 3410

TRAFFIC REGULATIONS Page
Blind persons, concerning (H. B. 213) 964
Trucks on highway to travel 250 feet apart (H. B. 220) 995
Trucks on highway to travel 500 feet apart (H. B. 216) 967

TRAFFIC SIGNALS
Provisions concerning (H. B. 223) 999

TRANSFER CHARGE
Conveyances for hire, on (H. B. 418) 1995

TRIAL PROCEDURE
Testimony in chief, when it may be given (H. B. 30) 151

UNEMPLOYMENT INSURANCE
Certain cemetery associations excluded from "covered employment" (H. B. 197) 197

UNIFORMS SUPPORT OF DEPENDENTS ACT
Provisions of (H. B. 263) 1177

UNIONS
Teachers', prohibitions against solicitation of members for (H. B. 469) 2910

UNIVERSITY OF KENTUCKY
Bookends made from Kentucky iron ore by Department of Mining and Metallurgical Engineering, expressing appreciation for offer of (H. R. 79) 3661
County and community fairs, judges to be furnished for, free of charge (H. B. 317) 1503
Establishment of College of Veterinary Medicine and Surgery (H. B. 210) 961
Medical college established at (H. B. 464) 2889

VANCEBURG, CITY OF
Change in classification of (H. B. 439) 2301

VENDORS
Nonresident merchandise, license fee on (H. B. 74) 390

VETERANS ADMINISTRATION
Resolution requesting, to give more prompt medical attention to Kentucky veterans (H. B. 20) 865

VETERAN'S AFFAIRS COMMISSION
Provisions for (H. B. 152) 839

VETERINARY MEDICINE AND SURGERY, COLLEGE OF
Establishment at University of Kentucky (H. B. 218) 961

VETERINARIAN, STATE
Deputy, increase in maximum salary of (H. B. 423) 2001

VETERANS, WAR—see also BONUS, VETERANS
Disabled, property tax exemption for, or their widows (H. B. 312) 1494

VETERANS, WAR Page
Free hunting and fishing licenses for disabled veterans (H. B. 150) 838
License plates for disabled veterans, special (H. B. 338) 1587
Medical attention by Veterans Administration, resolution requesting more prompt attention (H. R. 20) 865
Poll tax, exemption from (H. B. 28) 129
Preference to, and widows, for state positions (H. B. 249) 1106
Property tax exemption for disabled veterans or their widows (H. B. 312) 1494
Provisions for Veteran's Affairs Commission (H. B. 152) 839
Service medal for, provisions for (H. B. 287) 1269
State scholarships for (H. B. 147) 822

VITAL STATISTICS
Birth certificates, copy to be furnished to registrar of county of mother's residence (H. B. 387) 1821

VOTERS AND VOTING—see also ELECTIONS
Absent, provisions concerning (H. B. 219) 978
Absent voting, restricted to active members of armed forces (H. B. 359) 1734
Age of, constitutional amendment to lower age to 18 (H. B. 126) 788
Poll tax, exemption of war veterans from (H. B. 28) 129
Purgation of voters, provisions concerning (H. B. 231) 1036
Registration and purgation of (H. B. 218) 970
(H. B. 234) 1044
Registration and purgation boards, provisions concerning (H. B. 229) 1034
Voting hours at elections (H. B. 255) 1119

WAGES AND HOURS
Payment of employes by corporations, time of (H. B. 42) 191
Time of payment of wages by corporations (H. B. 406) 1942

WALTER, RALPH N.
Bills and Resolutions introduced: H. B. 200 (930), H. R. 57 (1979),
Committees served on: .....202 to 216

WALTON, CITY OF
Change of classification of (H. B. 203) 956

WARNS, FRED M.
Bills and Resolutions introduced: H. B. 95 (461), H. B. 155 (843), H. B. 156 (844), H. B. 200 (930), H. B. 310 (1491)
Committees served on: .....202 to 216, 2109

WARRANT OF ARREST
Arrest without a warrant, proceedings on (H. B. 222) 998

WATERFIELD, HARRY LEE
Bills and Resolutions introduced: H. B. 153 (842), H. B. 174 (874), H. B. 200 (930), H. B. 342 (1591), H. B. 477 (3203)
Committees served on: .....202 to 216

WATER POLLUTION CONTROL COMMISSION Page
Provisions for (H. B. 271) 1229

WATERWORKS
First class cities, in, officers and employes of (H. B. 186) 906

WEBB, LYLE H.
Bills and Resolutions introduced: H. B. 200 (930), H. B. 233 (1042), H. B. 249 (1106)
Committees served on: .....202 to 216

WEIGHTS AND MEASURES, DIVISION OF
Provisions for (H. B. 41) 185

WEINTRAUB, MORRIS
Bills and Resolutions introduced: H. B. 3 (41), H. B. 26 (125), H. B. 27 (128), H. B. 30 (151), H. B. 31 (151), H. R. B2 (194), H. B. 47 (234), H. B. 48 (235), H. B. 60 (265), H. B. 87 (418), H. B. 121 (783), H. B. 122 (784), H. B. 153 (842), H. B. 154 (843), H. B. 166 (869), H. B. 175 (875), H. B. 200 (930), H. B. 288 (1271), H. R. 34 (1287), H. B. 309 (1488), H. B. 342 (1591), H. B. 396 (1873), H. R. 63 (2159), H. R. 77 (3376)
Committees served on: .....202 to 216

WELFARE, DEPARTMENT OF
Deputy commissioner, delegated duties and functions of (H. B. 202) 956
Deputy Commissioner, duties of (H. B. 134) 808

WELLS, ABANDONED
Required to be closed (H. B. 208) 960

WILLIAMSON, GEORGE F.
Bills and Resolutions introduced: H. B. 104 (486), H. B. 107 (489), H. B. 192 (911), H. B. 220 (995), H. B. 221 (995), H. B. 222 (998), H. B. 223 (999), H. B. 224 (1000), H. B. 263 (1177), H. B. 372 (1776), H. B. 373 (1777), H. B. 374 (1777), H. B. 415 (1976), H. B. 467 (2891)
Committees served on: .....202 to 216

WIRSCH, CHARLES W.
Bills and Resolutions introduced: H. B. 2 (41), H. B. 3 (41), H. B. 48 (235), H. B. 50 (245), H. B. 60 (265), H. B. 87 (4) (4), H. B. 153 (842), H. B. 175 (875), H. B. 188 (908), H. B. 200 (930), H. B. 288 (1271)
Committees served on: .....202 to 216

WITNESSES
Proceedings before grand jury, in (H. B. 120) 773
Taking of depositions in criminal cases (H. B. 122) 784

WORLD CONSTITUENT ASSEMBLY
Election of delegates to, to draft World Constitution (H. B. 84).... 413

WOODLAND AREAS Page

Fires near, provisions concerning (H. B. 369) 1773

WORKMEN'S COMPENSATION

Asthma, benefits provided for injury or death from (H. B. 167) 870
Benefits, increase in (H. B. 82) 402
Benefits, miscellaneous provisions concerning (H. B. 342) 1591
Members of Board, compensation of (H. B. 485) 3414
Miscellaneous provisions concerning (H. B. 380) 1788
Next of kin to receive benefits, when (H. B. 82) 402
Resolution electing that Department of Conservation was operating under, at time of death of Luther E. Sowders (H. R. 41) 1520